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REPORT
JOINT SELECT COMMITTEE
MYSORE LAND REFORMS BILL 1958

Chairman: Kadidal Manjappa

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REPORT

OF THE

JOINT SELECT COMMITTEE ON THE MYSORE LAND REFORMS BILL, 1958

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JOINT SELECT COMMITTEE ON THE MYSORE LAND REFORMS BILL, 1958.

Composition of the Joint Select Committee.

LEGISLATIVE ASSEMBLY.

1. SRI KADIDAL MANJAPPA, MINISTER FOR REVENUE (*Chairman*).
2. SRI T. SUBRAMANYA, MINISTER FOR LAW, LABOUR AND LOCAL SELF-GOVERNMENT.

Sriyuths.—

3. DR. R. NAGAN GOWDA.
4. H. M. CHANNABASAPPA.
5. A. R. PANCHAGAVI.
6. K. HANUMANTHAIYA.
7. M. P. PATIL.
8. R. M. DESAI.
9. J. L. KABADI.
10. MAQSOOD ALI KHAN.
11. K. M. DEVAIYA.
12. G. SIVAPPA.
13. M. R. PATIL.
14. MALLAPPA KOLLUR.
15. VEERENDRA PATIL.
16. B. N. BORANNA GOWDA.
17. A. MUNIYAPPA.
18. B. RACHIAH.
19. K. PUTTASWAMY.
20. H. K. VEERANNA GOWDA.
21. RAMAKRISHNA HEGDE.
22. B. V. DESAI.
23. D. MOOKAPPA.
24. A. S. DUDHYA NAIK.
25. GAJANAN PANDIT.
26. K. L. NARASIMHAIYA.
27. V. SRINIVASA SHETTY.
28. U. M. MADAPPA.
29. B. CHAMAIYA.

Sriyuths.—

30. M. RAMAPPA.
31. C. J. MUCKANNAPPA.
32. A. M. BASAVEGOUDA.
33. V. S. PATIL.
34. B. L. NARAYANASWAMY.
35. SMT. BASAVARAJESWARI.

LEGISLATIVE COUNCIL.

Sriyuths.—

36. H. F. KATTIMANI.
37. P. M. NADAGOWDA.
38. V. S. CHATNALLI.
39. DR. S. CHAMPA.
40. T. VENKATARAMANAIAH.*
40A. RAGHAVENDRACHAR JAGIRDAR.**
41. H. BASAPPA.
42. K. M. NANJUNDAPPA.
43. B. HUTCHE GOWDA.*
43A. B. CHIKKANNASWAMY.**
44. B. B. MAMDAPUR.
45. M. P. L. SASTRY.
46. G. V. ANJANAPPA.

DRAFTSMEN.

SRI R. P. VASUDEO, SECRETARY TO GOVERNMENT, LAW DEPARTMENT.

SRI N. R. JAYA RAO, OFFICER ON SPECIAL DUTY, LAW DEPARTMENT.

SECRETARIAT.

SRI G. S. VENKATARAMANA IYER. (*Secretary*).

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* Ceased to be a member from 13th May 1960.
** Appointed from 28th September 1960.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE LAND REFORMS BILL, 1958.

I, the Chairman of the Joint Select Committee to which the Mysore Land Reforms Bill, 1958, was referred, having been authorised to submit the report, present this Report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Assembly on 29th November 1958. The Legislative Assembly discussed the motion for consideration on 30th, 31st July, 1st, 3rd, 4th, 5th, 6th, 7th, 8th and 9th August 1959. The motion for reference of the Bill to a Joint Select Committee in the House—*vide* Appendix I— was moved by me on 9th August 1959 and was discussed and adopted in the Assembly on the same day.

3. The Legislative Council discussed the motion on 10th, 11th, 12th, 13th and 14th August 1959 and concurred in the same motion on 14th August 1959 (*vide* Appendix II).

4. Extension of time for presentation of the Report of the Joint Select Committee was obtained from the Houses of the Legislature twice, first on 11th April 1960 and 19th April 1960 in the Legislative Assembly and Legislative Council and again on 27th September 1960 and 28th September 1960 in the Legislative Assembly and in the Legislative Council, respectively.

5. (1) The Representations, Memoranda and Comments received from the following persons and bodies were considered :—

1. Memorandum from Committee of the Government Servants of Coorg.
2. Memorandum from Landholders of Holenarasipur Taluk.
3. Memorandum of the Conference of the Religious Institutions and Trusts held on 17th and 18th September, 1959 in Udipi.
4. Memorandum of the Mysore Vyavasaya Sangha.
5. Memorandum by the All India Agriculturists' Federation.
6. Representation by Sri J. M. Lobo Prabhu, Mangalore.
7. Memorandum by Sri B. Mahobala Holla, Advocate, Coondapur.
8. Joint Representation by the :—
   (*a*) Sri Jain Dharma Jeerrodhaka Sangha (R) Karkala.
   (*b*) Sri Manjappa Shetty Trust, Veerabhavani, Mangalore-3.
   (*c*) Sri Sidhavane Trust, Post Ujre, South Kanara, and
   (d) Karkala Sri Basubal, Maha Masthabisheka Trust, Puttur.
9. Memorandum from the Udipi Taluk Land Owners' and Agriculturists' Association, Udipi.

10. Memorandum from Pensioners of Shimoga District.
11. Memoradum by the Bar Association, Udipi.
12. Memorandum by Hind Kisan Panchayat, South Kanara, Koteswarashaka Sangha.
13. Memorandum by Mudibidri Agriculturists' and Landowners' Association, South Canara.
14. Memorandum by the General Power of Attorney Holder (S. Kanara and Coorg)., U.B.M.C. in India Trust Association.
15. Memorandum from Land Holder and Agriculturist, Political Sufferer and Secretary of Sreerangapatna Taluk Landholders' Association, Sreerangapatna.
16. Proposals suggested for the modification of the Bill by Sri B. Shamsunder, M.L.A.
17. Memorandum by Editor, "Rastrabandhu".
18. Memorandum by Sri Admar Mutt, South Kanara.
19. Representation by Sri M. Bhaskar Rao, Indra Prasta, Mangalore.
20. Memorandum by the United Planters' Association of Southern India, Coonoor.
21. Memorandum of the India Planters' Association, Mysore, Chikmagalur.
22. Memorandum by the Mysore State Planters' Association, Chikmagalur.
23. Land Owners' Association, Mysore.
24. Sri B. P. G. Baskar Bhatta, Sagar.
25. Sri B. Subbaramiah, Bangalore.
26. Sri D. T. Subramanyan, Gauribidnur.
27. Sri B. Srinivasiah, Hassan.
28. Trustees of Navalgund Seva Sangh Charitable Fund
29. Sri C. Rudraradhya, Hoskote Town.
30. Sri S. S. Patil, Toravi, B. J. P.
31. Patel Sri Nage Gowda and others.
32. H. Subbiya Naik & Bros.
33. Tenants and Agriculturists of Coondapur Taluk.
34. The Secretary, Mysore State N.G.O's. Association.
35. Sri K. R. Shankar, Udipi Taluk Landowners' and Agriculturists' Cultivation Association, South Kanara.
36. Sri Kurodi Ramachandra Rao, Kuttipod Village, Udipi Taluk.
37. Sri Karad Narasinga Rao, Udipi.
38. Sri Sampath Iyengar, Gorur.
39. Shimoga District Retired N.G.O's.
40. Sri K. R. Achar, M.P., Mangalore.
41. Chikkamagalur District Areca Growers' Association.
42. South Kanara and Coorg Areca Growers' Union. The Atnavar Adike Co., Sagar and Sirsi Taluk Betelnut Growers' Association.
43. Sri R. V. Sreenivasa Murthy.
44. Secretary, Mandya District Farmers' Forum.
45. Sri R. N. Rao, Central Bank Road, Chamarajpet.
46. Rt. Rev. Dr. Rene Feuga, Bishop of Mysore.
47. Sri D. L. Krishna Murthy of Mysore.
48. Sri D. V. Katti, Bagalkot.
49. Raiyats of Bethangad Taluk, South Kanara.
50. Sri Vithalram Prabhu, Karwar.
51. Sri M. A. Seshadri Iyengar, Bhoovanahalli, Hassan Taluk.
52. Sri K. Giri Gowda, Kyatenahalli, Mandya.
53. The Residents of Siddapur, North Kanara.

54. Chairman, Jagapur Primary Co-operative Society, Dharwar.
55. Young Farmers' Association, Kalanja Balia, South Kanara.
56. Sri Shanta Mallaswamy Advamerie Kalanchri Mutt, Virajpet.
57. Sri Sannarudrayya, Byadadi Mahal, Dharwar District.
58. S. K. Landholders' and Agriculturists' Association Mangalore.
59. Sri Raghavachar, Gorur, Hassan.

(2) The Committee also considered the comments and suggestions received by the State Government from the Planning Commission, and also the letters received by the State Government from the Government of India regarding provisions to be made in respect of the Armed Forces, etc.

(3) The Committee heard the following witnesses :—

1. Sri Admari Swamiji.
2. Sri S. B. Lal Singh.
3. Representatives of Aliya Santaniga Women's Convention.
4. Representatives of the Coffee Board.
5. Representatives of the Mysore Planters' Association; the Indian Planters' Association; and the United Planters' Association.
6. Sri Bhaskar Rai, Advocate, Mangalore and Sri Hegde.
7. Sri K. Jattappa Rai, Puttur.
8. Representatives of the Karnataka Pranta Raitha Sangha.
9. Representative of the Bombay Karnataka Landowners' Association.
10. Sri B. Selvapillay, Gorur.
11. Representatives of the All India Supari (Betelnut) Federation.
12. Representatives of Jameenu Hiduvalidarara Sangha.
13. Representatives of the Coorg District Workers' Union.
14. Representative of Sri Suttur Mutt, Mysore.
15. Ten Lady Representatives.
16. Sri R. Anantharaman, President, Mysore Central Co-operative Land Mortgage Bank, Ltd., Bangalore.

6. The Committee held 64 sittings on 17th September, 22nd, 23rd, 24th, 26th, 27th October, 18th, 19th, 20th, 21st November 1959, 1st, 2nd, 3rd, 4th February, 3rd, 4th, 5th, 7th, 9th, 10th, 11th, 12th May, 9th, 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22nd June, 7th, 8th, 9th, 11th, 12th, 13th, 14th, 15th, 18th, 19th, 20th, 21st, 22nd July, 13th, 14th, 15th, 17th, 18th October, 11th, 12th, 14th, 15th, 16th, 17th, 18th, 19th, November, 8th, 9th, 10th and 11th February 1960 and considered the Bill clause by clause.

7. The Committee considered the Report on 8th, 9th, 10th and 11th January 1961 and adopted it on 11th January 1961. The Committee authorised me to present this Report.

8. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

9. *Preamble.*—The Committee are of the opinion that the preamble should indicate, in brief, the provisions incorporated in the

Bill such as agrarian relations, conferment of ownership on tenants, ceiling on land holdings, etc. The preamble has accordingly been modified.

10. *Clause* 2.—(1) The Committee, after a careful consideration of all the relevant factors, came to the conclusion that the ceiling area, the family holding and the basic holding should be determined in terms of standard acres and that standard acres should be determined with reference to classification of lands. The Committee also came to the conclusion that the lands may be classified in the Bill itself and that there was no need to establish a Land Commission. The Committee consider that the ceiling area should be twenty-seven standard acres, the family holding should be six standard acres and the basic holding should be two standard acres. Accordingly, necessary provisions have been made in the Bill.

(2) *Items* (6) *and* (7).—The definitions of " basic holding " and " ceiling area " have been modified in accordance with the decision referred to above.

(3) *Item* (10).—According to the explanation to this item, the person who takes up a contract to cut grass or to gather the fruits or other produce of trees on any land shall not on that account only be deemed to cultivate such land. The Committee are of the opinion that it is not necessary to limit the scope of this explanation to the produce of trees. Accordingly the words " trees on " in this explanation have been deleted.

(4) *Item* (11).—The Committee consider that for purposes of personal cultivation it is not necessary to impose the condition that the person exercising personal supervision should reside at a place not more than ten miles from the land. They are of the opinion that even persons residing beyond ten miles should have the right to cultivate their land personally.

The Committee are also of the opinion that in Explanation I it is not necessary to refer to cultivation through tenants. Accordingly necessary amendments have been made in this item.

(5) *Item* (12) (*new item*).—The Committee are of the opinion that it is necessary to include a definition of " family " in the Bill to the effect that family in relation to a person means such person, and, if married, the wife or husband, as the case may be, and the dependent children and grand children of such person. This item has accordingly been inserted.

(6) *Item* (13) (*Original item* (12)).—In accordance with the decision referred to in sub-paragraph (1) above, the definition of "family holding" has been modified.

(7) *Item* (14) (*Original item* (13)).—The Committee are of the opinion that there may be a uniform definition of "fragment", the power to determine the area being vested in the State Government. Accordingly, sub-clause (*a*) of this item has been deleted and necessary modification has been made.

(8) *Original Item* (14).—The Committee are of the opinion that there is no need to have a definition regarding holding of land as owner or tenant. This item has accordingly been deleted.

(9) *Item* (15).—The Committee consider that the planting of plantation crops should also be deemed to be an improvement. Sub-clause (c) of this item has accordingly been amended.

In respect of the erection of buildings on or in the vicinity of land, the Committee are of the opinion that only such buildings as are reasonably required for the convenient or profitable use or occupation of the holding should be deemed to be an improvement. Accordingly, in sub-clause (*d*) for the word "required" the words "reasonably required" have been substituted.

The Committee are also of the opinion that it is not necessary to have a provision as in sub-clause (ii). This sub-clause has accordingly been deleted.

(10) *Item* (16).—The Committee consider that the transfer of possession referred to in this item should be a lawful transfer. The word "lawfully" has accordingly been inserted before the word "transferred".

(11) *Item* (18).—The Committee are of the opinion that the definition of "land" should be modified as follows:—"land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto, and includes horticultural land, forest land, garden land, pasture land, plantation and thope but does not include house site or land used exclusively for non-agricultural purposes. This item has accordingly been modified.

(12) *Original Item* (19).—In view of the decision taken by the Committee referred to in sub-paragraph (1) of this paragraph, this item has been deleted.

(13) *Item* (19) (*Original Item* (20)).—The Committee are of the opinion that the definition of "landless person" should apply only to a person who earns his livelihood principally by manual labour on land and intends to take to the profession of agriculture.

They are also of the opinion that it is not necessary to have the condition that such person should be capable of cultivating the land personally. Accordingly this item has been modified.

(14) *Item* (24) (*Original Item* (25)).—The Committee are of the opinion that the definition of "person" should be amplified to include a company, family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property. This item has accordingly been modified.

(15) *Item* (25) (*Original Item* (26)).—The Committee consider that areca and cocoanut should not be included among plantation crops. This item has accordingly been amended.

(16) *Item* (27) (*Original Item* (28)).—In this item "Protected tenant" has been defined as a person who has been in continuous possession of any land and has been cultivating such land personally on payment of rent to the landlord for a period of not less than twelve years prior to the appointed day. A tenant must, therefore, be in possession for twelve years of the same piece of land in order to get protected tenancy rights under this item. But it would appear that to avoid accrual of rights, landlords frequently transfer a tenant from one plot to another. It is therefore necessary to provide that the period during which a person had held another land from the same landlord in the same village should also be included in calculating the period of tenant's possession. The Committee consider that where a tenant came to hold land by inheritance or succession from another person, the period during which such other person held such land as tenant should be included in calculating the period of twelve years. They are of the opinion that where a tenant had sub-let the land because of a temporary disability, the period of such sublease should be deemed to be the period during which he continued in possession. The Committee also consider that if any land is held by two or more persons jointly all such persons should, if any one of them cultivated and continues to cultivate such land personally, be deemed to be protected tenants in respect of such land. They are also of the opinion that persons who were recognised to be protected tenants under Section 4A of the Bombay Tenancy and Agricultural Lands Act, 1948, and persons who are deemed to be protected tenants under the Hyderabad Tenancy and Agricultural Lands Act, 1950 should be deemed to be protected tenants for purposes of this Act also. Accordingly a new definition of "protected tenant" has been incorporated.

(17) *Item* (29) (*Original Item* 30).—The provisions in the Bill relating to resumption of land do not contemplate resumption

of any land leased to a permanent tenant, and in respect of a land leased to a protected tenant at least a basic holding or the land leased to such tenant whichever is less should be allowed to be retained by the protected tenant. The Committee also decided that in the case of a small-holder who does not propose to resume the land for personal cultivation, he should be permitted to continue to hold the land as a landlord. Accordingly the definitions of " resumable land " and " non-resumable land " have been suitably modified.

(18) *Item* (32) (*new item*).—In accordance with the decision referred to in sub-paragraph (1) of this paragraph, the Committee have classified the lands in the State into seven classes and specified the formula for determining the equivalent extent of lands of different classes. The classification of lands and the formula for determining the equivalent extent of lands of different classes have been indicated in Schedule I to the Bill. The definition of " standard acre " has accordingly been inserted and " standard acre " has been defined as one acre of the first class of land or an extent equivalent thereto consisting of any one or more classes of land specified in Part A of Schedule I determined in accordance with the formula in Part B of the said schedule.

(19) *Sub-clause* (3) (*new sub-clause*).—The Committee are of the opinion that the areas containing lands possessing facilities for assured irrigation have to be determined by prescribed officers, and their determination should subject to revision by the State Government, be final. This sub-clause has accordingly been inserted.

11. *Original Clauses* 3, 4 *and* 5.—Consequent upon the decision taken to classify the lands in the Bill itself and to determine the extents for purposes of ceiling area, family holding and basic holding, the Committee are of the opinion that it is not necessary to have provisions relating to Land Commission, delimitation of local areas, and the classification of lands, and determination of family holding. These three clauses have accordingly been deleted.

12. *Clause* 3 (*Original Clause* 6).—The Transfer of Property Act, 1882 (Central Act V of 1882) has not been extended to agricultural land in the Hyderabad Area. In order to make this Act applicable to tenancies and leases of land throughout the State, it is necessary to extend the Central Act to the Hyderabad Area also in so far as it relates to agricultural land. Acordingly a sub-clause has been inserted in this clause.

13. *Clause* 4 (*Original Clause* 7).—The Committee are of the opinion that the application under the proviso to this clause should be made within one year from the appointed day. They also consider

that it is not necessary to have the explanation to this clause. The clause has accordingly been modified.

14. *Clause* 5 (*Original Clause* 8).—The Committee are of the opinion that a small-holder may continue a tenancy when he does not wish to resume the land leased. They are also of the opinion that it is not necessary to permit a widow or an unmarried woman to lease out lands. This clause has accordingly been modified.

15. *Clause* 7 (*Original Clause* 10).—The Committee are of the opinion that there should be no restoration of possession of tenants dispossessed when the land has been leased *bona fide* to a tenant who is not a member of the family of the landlord but there should be restoration of possession when the land is personally cultivated by the landlord. The Committee also consider that lawful surrenders and evictions should not be reopened under this clause, nor should persons legally entitled to possession of the lands be disturbed from such possession. Accordingly a proviso has been added to sub-clause (3). Consequential amendments have also been made in sub-clause (4) of this clause.

16. *Clause* 8 (*Original Clauses* 11 *and* 12).—(1) *Sub-clause* (1).—According to the second proviso to this sub-clause in areas notified by the State Government as malnad area, the rent in respect of lands classed as dry but normally used only for grazing or for removing leaves should not exceed five times the land revenue payable on such land. The Committee are of the opinion that it is only in respect of dry land exclusively used for grazing or removing the leaves that this proviso should be applicable. They are also of the opinion that the rent should be fixed at twice the land revenue payable on such land. The proviso has accordingly been modified.

(2) Original sub-clause (3) of clause 11 and original sub-Clause (1) of Clause 12 were deleted consequent upon the decision that there need not be a Land Commission.

(3) *Sub-clause* (3) (*Original Sub-clause* (2) *of Clause* 12).—The Committee consider that the average yield of each of the principal crops for each class and grade of land in each local area specified by the State Government should be determined by the prescribed authority in the prescribed manner taking into consideration the productivity of the lands and such other factors as may be prescribed. The Committee are also of the opinion that the average yield so determined should be in force for a period of five years and should be liable to be revised by the prescribed authority thereafter at the end of each successive period of five years. This sub-clause has accordingly been modified.

17. *Clause* 9 (*Original Clause* 13)—(1) *Sub-clause* (1).—According to this sub-clause where the rent payable is a share of the gross produce it shall be payable to the landlord at the village where the land is situated, and the produce shall not, before the rent is paid to the landlord, be removed therefrom except with the consent of the landlord. The Committee are of the opinion that the provision requiring the consent of the landlord for removing the produce from the land would lead to a lot of hardship to the tenants. They therefore consider that the words " and the produce shall not, before the rent is paid to the landlord be removed therefrom except with the consent of the landlord " should be deleted. The Committee also consider that it is necessary to empower the Government to fix the date in respect of each local area before which the rent should be paid to the landlord. Accordingly this sub-clause has been modified.

(2) *Sub-Clause* (2).—Consequent upon the amendment of sub-clause (1) for the words and brackets " within three months from the harvest (of which a fortnight's notice in writing shall be given by the tenant to the landlord, if the landlord does not reside in the village)", the words, figures and brackets " before the date notified under sub-section (1)" were substituted.

(3) *Sub-Clause* (3).—The Committee consider that it may be difficult to ascertain the agreement referred to in this sub-clause ; it is therefore desirable to use the words " there is a dispute " instead of the words " there is no agreement ". The Committe are also of the opinion that the tenant should have the option to pay the rent in cash where the landlord evades receiving the rent and giving the receipt. Accordingly, this sub-clause has been modified.

(4) *Sub-clause* (4) (*new sub-clause*).—The Committee are of the opinion that the Tribunal should be empowered to decide disputes between the landlord and the tenant as regards the rent payable. This sub-clause has accordingly been inserted.

18. *Clause* 10 (*Original Clause* 14).—The Committee consider that in this clause there is no need to make a reference to the land owner if reference is made to the landlord. They are also of the opinion that in sub-clause (*b*) there should be a reference to water rate, taxes, cesses or fees payable to the Government in respect of the land. Accordingly this clause has been suitably modified.

19. *Clause* 11 (*Original Clause* 15).—According to this clause, if a landlord, or any person on his behalf recovers rent from any tenant in contravention of the provisions of clauses 8, 9 and 10, the landlord should forthwith refund the excess amount so recovered to the tenant and will be liable to pay such compensation to the tenant

as may be determined by the Tribunal and shall also be liable to such penalty as may be prescribed by rules made under the Act. The Committee consider that the penalty payable should not exceed twice the excess amount recovered as the Tribunal may fix. Accordingly, this clause has been modified.

20. *Clause* 13 (*Original Clause* 17)—(1) *Sub-Clause* (5).—The Committee are of the opinion that instead of the penalty being prescribed by rules as contemplated by this sub-clause, provision may be made that the penalty should not exceed the amount recovered by the landlord and that the Tribunal should fix the amount payable as penalty. The sub-clause has accordingly been amended.

(2) *Sub-Clause* (6).—In sub-paragraph (*a*), after the words "reduce the rent" the words "payable for any year" were inserted, and after the words "rendered unfit for cultivation" the words "or there has been damage to crops" were inserted.

21. *Clauses* 14 *and* 15 (*Original Clauses* 18 *and* 19).—The Committee consider that the statement of reservation should be filed within one year from the appointed day in respect of tenancies existing on that day and in respect of tenancies created after the appointed day the statement should be filed within five years from the date of creation of the tenancy. They are also of the opinion that in the case of a landlord who is subject to any disability, the statement should be filed by the guardian or any other person in charge of the property of such person. The Tribunal should hold an inquiry and issue a certificate to the landlord to the effect that the land specified in that certificate has been reserved for resumption. Where a certificate has been issued by the Tribunal in respect of any land, in the case of tenancies existing on the appointed day, the landlord should make an application for possession of such lands within twelve months from the date of issue of the certificate and the tenants should not be dispossessed before the 31st of March of the calendar year succeeding the calendar year in which the application for possession was made; and in the case of tenancies created after the appointed day, the landlord should not be entitled to determine the tenancies before the expiry of five years from the date of creation of the tenancies and the tenants should not be dispossessed before the 31st of March of the calendar year succeeding the calendar year in which the application for possession is made. In the case of a small holder who is a landlord, he may file a statement before the Tribunal that he does not intend to resume any land leased to a tenant and when such statement is filed, he should not thereafter be entitled to resume any such land except with the previous sanction of the Tribunal.

When the landlord is a serving member of the armed forces of the Union, he will not be liable to file the statement for resumption of land until he ceases to be a member of such force and he should file such statement within one year from the date on which he ceases to be a member of such force.

Original clauses 18 and 19 have accordingly been revised.

22. *Clause* 16 (*Original Clause* 20).—The Committee are of the opinion that it is not necessary to provide for the conditions of resumption in respect of different extents of land above a basic holding and that it is sufficient if a single sub-clause is inserted to regulate the extent of resumption when the land held exceeds a basic holding. When a landlord holds land exceeding a basic holding, he should be entitled to resume one-half of the area leased to the tenant, provided that the total area resumed by the landlord does not exceed three family holdings.

If the landlord owns land not exceeding a basic holding, and if the tenant owns or is entitled to non-resumable land, which is equal to or more than the land owned by the landlord, the landlord should be entitled to resume the whole land leased to the tenant, and if the tenant owns or is entitled to non-resumable land which is less than the land owned by the landlord, or does not own land or is not entitled to any non-resumable land, the landlord should be entitled to resume one-half of the land leased to the tenant.

Accordingly, for paragraphs (1), (2), (3) and (4), new paragraphs (1) and (2) have been substituted. Paragraph (5) has been renumbered as paragraph (3). Paragraph (6) has been deleted and paragraphs (7), (8) and (9) renumbered as paragraphs (4), (5) and (6) respectively.

The Committee are also of the opinion that there should be a specific provision that the right to resume the land by the landlord should be subject to the condition that in the case of protected tenants, each protected tenant should be left with a basic holding or the land actually held by him whichever is less. They are also of the opinion that the right to resume the land from any tenant should be exercisable under clause 14 only once. New paragraphs (7) and (8) have accordingly been inserted. Original paragraph (10) has been renumbered as paragraph (9). Paragraph (11) has been deleted consequent upon the decision that for the purpose of personal cultivation, the person concerned need not reside within ten miles from the land. Paragraphs (12) and (13) have been renumbered as paragraphs (10) and (11) respectively. In paragraph (11) as renumbered, it has been made clear that the landlord who, at any time

before the appointed day had resumed land from any tenant for personal cultivation under the Bombay Tenancy and Agricultural Lands Act, 1948, or the Hyderabad Tenancy and Agricultural Lands Act, 1950, shall not be entitled to resume again under Clause 14, any land left with the same tenant.

23. *Original Clause* 21.—Consequent upon the insertion of paragraph (8) in Clause 16, this clause has been deleted.

24. *Clause* 19 (*new clause*).—The Committee consider that the resumed land should not be transferred by sale, gift or exchange within six years from such resumption, but the person who has resumed the land may be allowed to sell that land to the tenant from whom it had been resumed at a value to be determined by the Tribunal. This clause has accordingly been inserted.

25. *Clause* 20 (*Original Clause* 24).—The Committee are of the opinion that it is sufficient if provision is made for restoration of possession to the tenant if the landlord ceases to use the land for the purpose for which he resumed it within six years from the date he takes possession of the land instead of the period of twelve years now provided for in this clause. Accordingly, sub-clause (1) of this clause has been amended.

26. *Clause* 22 (*Original Clause* 26)—*Sub-clause* (1).—The Committee are of the opinion that eviction of a tenant for non-payment of rent should be permitted only if the rent is not paid on or before the due date during two consecutive years instead of during three consecutive years. The landlord should not have the right of eviction on the ground of non-payment of rent unless he has issued every year within three months after the due date a notice to the tenant that he has failed to pay the rent for that year. Item (*a*) of this clause has accordingly been amended.

In item (*b*) of this sub-clause the words "destructive or" were deleted as the Committee are of the opinion that such a provision is likely to lead to harrassment of the tenant.

The Committee also consider that the landlord should give at least six months notice, instead of three months notice, to the tenant informing him of the landlord's decision to terminate the tenancy and the particulars of the grounds for such termination. The proviso to this sub-clause has accordingly been modified.

27. *Clause* 23 (*Original Clause* 27).—The Committee consider that the benefit available to a tenant under this clause should also apply to proceedings for eviction pending on the appointed day. Sub-clause (2) has accordingly been inserted in this clause.

28 *Clause* 24 (*Original Clause* 28).—The Committee consider that there is no need to have a provision on the lines of sub-clause (2) of this clause. Sub-clause (2) has accordingly been deleted.

29. *Clause* 30 (*Original Clause* 35).—The Committee consider that instead of the Deputy Commissioner, the Assistant Commissioner may be empowered to exercise powers under sub-clause (1) of this clause. They are also of the opinion that the cost of construction, maintenance or repair of the bunds should be recoverable only from the persons liable to construct, maintain or repair the bunds. Necessary amendments have been accordingly made.

30. *Clause* 31 (*Original Clause* 36).—The Committee are of the opinion that the tenant should have the right to erect a farm house reasonably required for the convenient or profitable use or occupation of the holding, on the land held by him as a tenant. This clause has accordingly been modified.

31. *Clause* 32 (*Original Clause* 37).—According to this clause if any amount is levied on a land held by a tenant as betterment contribution under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, the tenant and the landlord thereof shall be liable to pay such amount to the Government in the proportion in which the gross produce of the land is shared by the tenant and the landlord as though both were owners for the purposes of the said Act. The Committee consider that in view of the fact that the land held by the tenants other than permanent tenants are liable to resumption by the landlord, such tenants should not be made liable to pay the betterment contribution. In the case of permanent tenants however since the lands held by them cannot be resumed and such tenants will become owners of the land, they may be made liable to pay the betterment contribution. Accordingly this clause has been modified.

32. *Clause* 35 (*Original Clause* 40).—The Committee are of the opinion that in sub-clause (1) of this clause the words "at the expense of such tenant or his predecessor in title" should be deleted, and in sub-clause (2) a reference should be made to clauses 14 and 22. This clause has accordingly been amended.

33. *Clause* 37 (*Original Clause* 42).—The Committee are of the opinion that the price payable by the tenant for the site should be the reasonable price and where an annual rent is being paid for such site, the reasonable price should not exceed twenty times such annual rent, as the Tribunal may fix. This clause has accordingly been modified.

34. *Clause* 38 (*Original Clause* 42).—In paragraph (*a*) of this Clause for the words "dwelling houses and sites thereof occupied by agricultural labourers and artisans" the words "dwelling houses and sites thereof built and occupied by agricultural labourers and artisans" were substituted.

35. *Clause* 39 (*new clause*).—The Committee consider that there should be a provision under which when a landlord intends to sell his land he should give the first option to purchase to the tenant. Accordingly this clause has been inserted.

36. *Original Clause* 44.—The Committee are of the opinion that there is no need to make provision for exchange of land among tenants. This clause has accordingly been deleted.

37 *Clause* 41 (*Original Clause* 31).—The Committee are of the opinion that the words "used for any allied pursuit" should be deleted in sub-clauses (1) and (2) of this Clause. The Committee are also of the opinion that the proviso to sub-clause (2) should be deleted. This clause has accordingly been modified.

38. *Clause* 42 (*new clause*).—The Committee consider that proceedings for recovery of rent should be taken by making application to the Tribunal. Accordingly this clause has been inserted.

39. *Clause* 44 (*Original Clause* 47).—(1) *Sub-clause* (1).—The Committee are of the opinion that a notification by the State Government under this sub-clause should issue as soon as may be after the determination of non-resumable lands by each Tribunal. This sub-clause has accordingly been modified.

(2) *Sub-clause* (2).—The Committee are of the opinion that the State Government should not dispossess, in pursuance of paragraph (*e*) of this sub-clause, persons who are prima facie entitled to be registered as occupants, or entitled to ryotwari pattas. A proviso has accordingly been added to this paragraph.

40. *Original Clause* 48.—Consequent upon the amendment made to sub-clause (1) of Clause 44, this clause has been deleted

41. *Clause* 47 (*Original Clause* 51).—According to sub-clause (2) of this clause, the compensation payable for the extinguishment of the rights in lands vesting in the State Govenment under Clause 44 should be the aggregate of such amount as the Tribunal may determine as being equal to fifteen times the excess of rent under Clause 11 (1)(*b*) [renumbered as Clause 8(1)(*b*)] over land revenue in respect of the land and the value of any structures, wells and embankments

constructed and other permanent fixtures made and trees planted by the landlord on the land, and in the case of land held by a permanent tenant it should be six times the rent less the land revenue. In certain areas of the State, the maximum rent payable has been fixed by law and such rent is very much less than the rent paid or payable in other areas of the State. The Committee are of the opinion that the low rate of rent fixed under the existing laws should not be taken into account for purposes of determining the compensation. As it is necessary to ensure uniformity in the rate of compensation payable in different areas of the State, they have accordingly decided that the compensation payable should be the aggregate of—

(i) fifteen times the value in cash of one-fourth of the gross produce in the case of lands possessing facilities for assured irrigation from a tank or river channel, less the land revenue of such land,

(ii) fifteen times the value in cash of one-fifth of the gross produce in the case of land other than the land referred to in item (i) less the land revenue of such land, and fifty per cent of the value of trees on the land which belong to the landlord, and the gross produce of which is not taken into consideration for purposes of item (i) or item (ii), and the depreciated value of any structures on the land constructed by the landlord. They are also of the opinion that where rent in respect of any land was payable to the landlord under any contract and such rent or the value in cash of such rent was less than the value referred to in item (i) or item (ii), fifteen times of such rent or the value in cash of such rent less the land revenue, should be the compensation payable. Sub-clause (2) of this clause has accordingly been modified.

42. *Clause* 48 (*Original Clause* 52).—According to sub-clause (3) of this clause, where any tenant fails to appear before the Tribunal or makes a statement that he is not willing to be registered as an occupant or to have a ryotwari patta of the land, the Tribunal should declare that such tenant is not willing to be registered as an occupant or to have a ryotward patta of the land and that the right conferred upon him under Clause 49 (renumbered as Clause 45) shall have no effect. The Committee are of the opinion that in the case of failure to appear before the Tribunal, the period will have to be fixed before a declaration is made, and that period should be within one year from the date of vesting of the land. Accordingly sub-clause (3) of this clause has been modified.

43. *Clause* 49 (*Original Clause* 53).—The Committee are of the opinion that there is no need to limit the operation of sub-clause (1) of this clause to sub-tenants of permanent tenants. Accordingly this sub-clause has been modified.

The Committee are also of the opinion that there is no need to have sub-clause (2) since provision for this purpose has already been included in Clause 48. Sub-clause (2) of this clause has accordingly been deleted.

44. *Clause* 50 (*Original Clause* 54).—The Committee are of the opinion that in respect of encumbrance, the amount due under the encumbrance in respect of the land which is vested in the Government should be a charge on the compensation payable in respect of such land to the person who created the encumbrance. They are also of the opinion that in view of the fact that the land will vest in the Government free from all encumbrances, it is not necessary to specify in this clause that the liabilities of all persons in respect of the encumbrance will stand extinguished. The Committee also consider that advance paid by a tenant to the landlord for the lease of the land should also be deemed to be a charge on the land to be discharged in the same manner as encumbrance on such land. This clause has accordingly been modfied.

45. *Original Clause* 55.—The Committee are of the opinion that appeals from the Tribunal should lie to the District Judge as appellate authority. Since provision for this purpose has been made in Chapter IX this clause has been deleted.

46. *Clause* 51 (*Original Clause* 56).—The Committee are of the opinion that the compensation should be paid in cash in a lump-sum if the amount payable does not exceed ten thousand rupees and that if the amount payable exceeds ten thousand rupees the amount up to ten thousand rupees should be paid in cash and the balance in negotiable bonds. This clause has accordingly been modified.

47. *Clause* 55 (*Original Clause* 60).—The Committee are of the opinion that the right to be registered as occupant or to get a ryotwrai patta of the land held by a tenant should be ineffective for non-payment of arrears of instalments only if the amount in arrears is more than three instalments. This clause has accordingly been modified.

48. *Clause* 57 (*Original Clause* 62).—Consequent upon the decision that no special provision need be made in the case of widows, the reference to a widow in this clause has been deleted.

49. *Clause* 61 (*Original Clause* 66).—The Committee are of the opinion that the restriction on transfer of the land to be imposed

on a tenant should be limited to a period of six years instead of twenty years. Sub-clause (1) of this clause has accordingly been modified.

50. *Clause* 62 (*Original Clause* 67).—Consequent upon the amendment made in sub-clause (1) of Clause 61, the period specified in this clause is also reduced to six years. The Committee consider that when land is surrendered to Government under this clause the State Government should pay an amount equal to the premium paid and the depreciated value of improvements, if any, effected after the date of registration as occupant or the grant of ryotwari patta. Accordingly necessary amendment has been made in this clause.

51. *Clause* 63 (*Original Clauses* 68 *and* 70).—The Committee consider that for fixation of ceiling area the extent of land held by a person either by himself or if he has a family or is a member of a joint family together with any other member of his family or of the joint family whether as land owner, landlord or tenant or as mortgagee with possession or otherwise or partly in one capacity and partly in another should be taken into consideration. The Committee are also of the opinion that where the number of members of a family or joint family of any person exceeds five he should have the right to hold additional extent of land of six standard acres for each member in excess of five subject to the condition that the total extent of land held should not exceed twice the ceiling area. They also consider that in the case of a company, association or any other body of individuals the ceiling limit should be one ceiling area. For the purpose of determining the ceiling area, forest land and land exclusively used on the appointed day for grazing of cattle of the holder of the land or on which trees have been raised for better cultivation of the land should not be taken into consideration to the extent of thirty acres; but if such land ceases to be used for the said purpose or is used for any other purpose or the grass or other produce grown thereon is sold, such land should be taken into consideration for determining the ceiling area.

The Committee also consider that the provisions limiting the extent of land to the ceiling area should not apply to a person holding land on the appointed day in the case of, (i) land cultivated by plantations crops; (ii) land used for orchard where it constitutes a reasonable compact area; (iii) land used for specialised farms set apart for live-stock breeding, dairying, wool raising and such other allied operations as may be notified by the State Government and satisfy such conditions as may be prescribed; (iv) land used as sugarcane farms owned by sugar factories; (v) land utilised by an efficiently managed farm which consists of a reasonably compact

area on which heavy investment or permanent structural improvements have been made and whose break-up in the opinion of the Tribunal is likely to lead to fall in production. In the case of land cultivated by plantation crops such land should include land used in the plantation for factories, labour quarters, curing yards, play grounds and such other purposes as may be prescribed; and a farm should be deemed to be efficiently managed if it satisfies such conditions as may be prescribed by rules; and whether heavy investment or permanent structural improvements have been made in a farm or not should also be determined in accordance with the rules made by the Government.

Accordingly in place of Original Clauses 68 and 70, this clause has been inserted.

52. *Clause* 64 (*Original Clauses* 69, 71 *and* 72).—The Committee consider that in respect of future acquisitions where the land acquired exceeds the ceiling area permissible under sub-clause (1) of Clause 63, the excess land should be considered to be surplus land but this restriction should not apply to a plantation in existence on the appointed day which is transferred or inherited intact, or to the acquisition of land for growing sugarcane by a Co-operative Sugar Factory. The Committee are also of the opinion that in respect of land on which plantation crops were grown the ceiling area permissible for future acquisition should be (i) in the case of coffee, rubber and tea—one hundred acres, in the case of cardamom—fifty acres, in the case of pepper—twenty-five acres, and in respect of land required for growing sugarcane by a factory manufacturing sugar, the ceiling area permissible should be one-sixth of the minimum area of the land required to feed the said factory. Necessary provisions have accordingly been made in this clause.

53. *Original Clause* 73.—The Committee are of the opinion that there is no need to have a provision as in this clause. This clause has accordingly been deleted.

54. *Clause* 66 (*Original Clause* 75).—(1) *Sub-clause* (2).—The period within which the declaration should be furnished should be not less than thirty days from the date of service of the notice to the person concerned and not thirty days from the date of issue of notice. This sub-clause has accordingly been amended.

(2) *Explanation*.—In the case of a person who is subject to any disability the declaration should be furnished by the guardian, manager or other person in charge of such person or his property. The explanation has accordingly been amended.

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55. *Clause* 67 (*Original Clause* 76).—The Committee are of the opinion that the words " is capable of easy and convenient enjoyment" should be deleted in Sub-clauses (3) and (4) of this clause. They are also of the opinion that an order under Sub-clause (3) or Sub-clause (4) of this clause relating to surrender of land should be passed in respect of land which as far as practicable forms a survey number or a recognised part of a survey number or a sub-division of survey number. Accordingly Sub-clauses (3) and (4) have been amended, and a new sub-clause numbered as Sub-clause (5) has been added to this clause.

56. *Clause* 72 (*Original Clause* 81).—The Committee consider that the compensation payable in respect of any land taken over by the Government should not be fifteen times the net average annual income of the land, but should be ten times of such annual income. The clause has accordingly been modified.

57. *Clause* 73 (*Original Clause* 82).—The Committee are of the opinion that the provision relating to payment of compensation should also be included in this clause. Accordingly this clause has been amplified.

58. *Original Clause* 84.—The Committee consider that this clause may be inserted in Chapter X along with the other penalties. It has accordingly been deleted in this chapter.

59. *Clause* 75 (*New Clause*).—The Committee consider that where a land which is within the ceiling limit subsequently exceeds the ceiling limit due to the change in the classification of the land consequent upon any improvements effected in the land by the holder thereof or due to a decrease in the number of members of the family or of the joint family, the excess land should not be required to be surrendered. Accordingly this clause has been inserted.

60. *Original Clause* 85.—Consequent upon the provision made in Clause 64 the Committee are of the opinion that there is no need to retain Clause 85. This clause has accordingly been deleted.

61. *Original Clause* 86.—Since provision for appeals has been made in Chapter IX the Committee are of the opinion that there is no need to retain Clause 86. Accordingly this clause has been deleted.

62. *Clause* 77 (*Original Clause* 88).—In respect of disposal of surplus land, the Committee consider that Co-operative Farms whose members are displaced tenants, landless agriculturists and agricultural labourers, or tenants and displaced tenants

with less than a basic holding and owner cultivators with less than a basic holding, should be given the first preference. They are also of the opinion that in granting the surplus land the Tribunal should give preference to the tenant who before the vesting of the land in the State Government was cultivating such land. This clause has accordingly been modified.

63. *Clause* 78. (*Original Clause* 89).—Consequent upon the fixation of the amount of compensation in Clause 72 at ten times the net average annual income of the land, the Committee are of the opinion that the purchase price should be an amount equal to ten times the net average annual income in respect of the land, instead of fifteen times the net average annual income. Sub-clause (1) of this clause has accordingly been amended.

64. *Clause* 80 (*Original Clause* 91)—(1) *Sub-clause* (1).—The Committee are of the opinion that the power conferred on the Deputy Commissioner under the proviso to Sub-clause (1) should be exercisable by the Assistant Commissioner or an officer not below the rank of an Assistant Commissioner authorised by the State Government. Sub-clause (1) has accordingly been amended.

The Committee are also of the opinion that the second proviso to sub-clause (1) is not necessary. They also consider that Sub-clauses (2) and (3) of this clause should be deleted. This clause has accordingly been modified.

65. *Clause* 83 (*Original Clause* 94).—The Committee are of the opinion that when a declaration is made under Sub-clause (1) of this clause, the acquisition of the land may be made under Clause 131.—Sub-clause (2) of this clause has accordingly been deleted.

66 *Clauses* 84 *to* 88 (*Original Clauses* 95 *to* 115).—Consequent upon the fixation of ceilings on land and the conferment of ownership on tenants, most of the lands will be under personal cultivation. The Committee are, therefore,of the opinion that it is not necessary to have elaborate provisions relating to assumption of management of lands by the Govenment and the management of such lands. It is sufficient if provision is made for the cultivation of uncultivated lands. When a land remains uncultivated for a period of not less than two consecutive years without sufficient cause, the Assistant Commissioner may by notice require the land owner to cultivate the land within one year from the date of service of such notice. If the land is not cultivated within one year, the Assistant Commissioner may lease out the land to a suitable lessee for a period not exceeding

five years. For the services rendered by the Government the landlord should pay to the Government an amount equal to four times the land revenue payable for the land. After the expiry of the period of lease, the Assistant Commissioner should deliver possession of the land to the person entitled to such possession. Provision has accordingly been made in the new Clauses 84 to 88 .

67. *Clause* 89 (*Original Clause* 116).—The Committee consider that it should be made clear in this clause that more than one Co-operative Farm may be registered in any one village. An explanation has accordingly been added to this clause.

68. *Clause* 92 (*Original Clause* 119).—The Committee consider that it should be made clear that possession of the land in respect of which the Co-operative Farm is registered should stand transferred to the Co-operative Farm. It should also be made clear that when a person is admitted as a member of the Co-operative Farm after its registration, the possession of lands held by and in possession of such member in respect of which he becomes a member will stand transferred to the Co-operative Farm. Provision should also be made that a person should not withdraw his membership from the Farm unless he satisfies the prescribed conditions; and on the withdrawal of membership of a co-operative farm by any person, the possession of the lands in respect of which he had become a member should subject to such restrictions and conditions as may be prescribed be transferred by the Co-operative Farm to such person. This clause has accordingly been modified.

69. *Original Clauses* 120 *to* 125.—The Committee are of the opinion that these clauses are not necessary and they should be deleted. These clauses have accordingly been deleted.

70. *Clause* 101 (*Original Clause* 134).—The Committee are of the opinion that it should be made clear in this clause that the heirs of a member should be deemed to have become members of the Co-operative Farm. This clause has accordingly been amended.

71. *Original Clause* 135.—Consequent upon the deletion of Clause 125, this clause has been deleted.

72. *Clause* 103 (*Original Clause* 137).—(1) *Sub-clause* (1).—The Committee are of the opinion that leases of lands granted for the raising of fruits or flower trees or plantation of fuel trees need not be exempted under this sub-clause but only leases of land granted for the breeding of livestock may be exempted. Paragraph (*b*) of this sub-clause has accordingly been amended

In the case of lands held or leased by co-operative societies, the Committee are of the opinion that where before the land comes to the ownership or possession of the society any tenant had acquired any rights or privileges in the land, such rights or privileges should not be limited or abridged consequent upon the exemption granted by paragraph (*c*) of this sub-clause. A proviso has accordingly been added to paragraph (*c*).

(2) *Original Sub-clause* (2).—The Committee consider that Government need not be empowered to provide any exemption in respect of leases of land obtained for growing other classes of agricultural produce. This sub-clause has accordingly been deleted.

73. *Original Clause* 138.—The Committee are of the opinion that it is not necessary to exempt lands within the limits of local authorities as contemplated by this clause. This clause has accordingly been deleted.

74. *Clause* 104 (*New Clause*).—The Committee consider that regimental farms should be exempted from the provisions relating to ceilings. This clause has accordingly been inserted.

75. *Clauses* 107 *and* 108 (*Original Clause* 141).—The Committee are of the opinion that the provisions of the Bill except clause 8 should not apply to lands belonging to or held on lease from Government. In respect of lands taken under the management of Court of Wards or under the Guardians and Wards Act or temporarily by Civil, Revenue or Criminal Court, the provisions of the Bill except clause 8 should not apply subject to certain conditions. In the case of a tenancy subsisting on the date of taking over the management, the tenant should not be dispossessed unless the Court considers that such dispossession is necessary. In the case of a tenancy created during the period of management, when the land is released from management, the tenant should be dispossessed and the possession of the land delivered to the person entitled to such possession. With effect from the date on which the land is released from the management, all the provisions of the Bill should apply to the land and in the case of a tenancy subsisting on such date the landlord should be entitled to terminate the tenancy under clause 14 and the provisions of clauses 14 to 20 and 35 to 61 should be applicable to such termination of tenancy and the right of the tenant to be registered as occupant or to get the ryotwari patta of the land. The Committee are also of the opinion that the explanation to the original clause 141 should be deleted.

Accordingly necessary provisions have been made in clauses 107 and 108.

76. *Clause* 111 (*Original Clause* 144).—The Committee are of the opinion that the Assistant Commissioner should not be the Tribunal for purposes of this Bill, but that the Tribunal should be of a judicial officer of the rank of a Munsiff. This clause has accordingly been modified.

77. *Clause* 115 (*Original Clause* 148).—The Committee are of the opinion that the Tribunal should be empowered to exercise the powers and follow the procedure of a Court of Small Clauses for holding enquiries. In respect of enquiries held by the Deputy Commissioner or other officer of the Revenue Department, he should be empowered to exercise powers under the Land Revenue Code or other corresponding law in force in any area of the State and should follow such procedure as may be prescribed by rules. In every enquiry in which the parties are heard before orders are passed, the orders should be pronounced in open Court after notice to the parties; and the decision of the Tribunal or the Deputy Commissioner or other officer should be intimated to the parties concerned by post. This clause has accordingly been modified.

78. *Clause* 118 (*Original Clause* 151).—The Committee are of the opinion that the Tribunal and the Deputy Commissioner should not be empowered to recommend reference to the High Court. Sub-clause (3) of this clause has accordingly been modified.

79. *Clause* 119 (*New Clause*).—The Committee are of the opinion that specific provisions should be made to enable stay of execution of orders by the authority passing the order, pending the filing of the appeal. This clause has accordingly been inserted.

80. *Clause* 122 (*Original Clause* 154).—The Committee consider that the period of limitation should run from the date of the order in cases where the party, or a legal practitioner appearing on his behalf, is present at the time when the order is pronounced, and that in other cases it should run from the date on which the order is communicated to the party by post. This clause has accordingly been amended.

81. *Original Clause* 157.—The Committee are of the opinion that since legal questions will have to be considered by the Tribunals and other authorities, it is necesary to allow legal practitioners to appear before these authorities on behalf of the landlords, tenants and other persons. This clause has therefore been deleted.

82. *Clause* 125 (*Original Clause* 158).—

(1) *Sub-clause* (1).—The Committee are of the opinion that the maximum fine for failure to give a written receipt in contravention

of clause 33 should be Rs. 500. The Committee feel that there is no need to have the second column relating to the subject of the sections in the table. The clause has accordingly been modified.

(2) In accordance with the decision taken with reference to original clause 84 in Chapter IV, the provisions of that clause have been inserted as sub-clause (2) in this clause.

83. *Clause* 126 (*New Clause*).—The Committee are of the opinion that for the removal of the doubts, it should be clearly specified that the provisions of this Bill in so far as they confer any rights and impose obligations on tenants and landlords shall be applicable to tenants holding lands in inams and alienated villages and lands, and to landords and inamdars holding lands in those villages and lands. This clause has accordingly been inserted.

84. *Clause* 127 (*New Clause*).—The Committee are of the opinion that the State Government should give legal assistance to tenants whose pecuniry circumstances are such that legal assistance has to be given to them. This clause has accordingly been inserted.

85. *Clause* 129 (*New Clause*).—The Committee consider that a specific provision should be included in the Bill that persons in possession of lands should not be dispossessed except under lawful orders. This clause has accordingly been inserted.

86. *Clause* 135 (*New Clause*).—Th Committee consider that provision shroud be made in respect of offences by companies. This clause has accordingly been inserted.

87. *Clause* 137 (*Original Clause* 159).—The Committee consider that this clause should be modified indicating the particular matters in respect of which rules may be made. The clause has accordingly been modified.

88. *Clause* 140 (*New Clause*).—The Committee are of the opinion that the rules made under the Act, and the notifications issued under clauses 109, 110 and 139 should be laid before the Legislature and should be subject to such modifications as the Legislature may make. This clause has accordingly been inserted.

89. *Clause* 142 (*Original Clause* 169).—The Committee are of the opinion that the repeal and savings clause should clearly indicate the effect of the repeal and the savings. This clause has accordingly been modified.

90. The other amendments made in the Bill are either consequential or intended to improve the provisions.

91. The Committee considered the representations made on behalf of the members of Aliyasanthana families in South Kanara District. The Committee are of the opinion that the Madras Aliyasanthana Act, 1949, should be amended conferring a right on every male or female member of a Kutumba or Kavaru to claim partition and obtain possession of his or her share in the properties of the Kutumba or Kavaru, the division being made on a *per capita* basis, and the share obtained by such members being his or her absolute property. The Committee recommend that the amendment suggested should be enacted into law before the Land Reforms Law comes into force.

92. The Joint Select Committee recommend that the Bill as amended be passed.

KADIDAL MANJAPPA,
Chairman,
Joint Select Committee.

Bangalore,
11th January 1961.

APPENDIX I.

(*Vide* Para 2 of the Report.)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

"That the Mysore Land Reforms Bill, 1958, be referred to a Joint Select Committee of this House and Legislative Council consisting of a total number of 44 members (33 from this House and 11 from the Legislative Council) that the concurrence of the Legislative Council be obtained therefor, and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths—

1. Dr R. Nagan Gowda.
2. H. M. Channabasappa.
3. A. R. Panchagavi.
4. K. Hanumanthaiya.
5. M. P. Patil.
6. R. M. Desai.
7. J. L Kabadi.
8. Maqsood Ali Khan.
9. K. M. Devaiya.
10. G. Sivappa.
11. M. R. Patil.
12. Mallappa Kollur.
13. Veerendra Patil.
14. B. N. Boranna Gowda.
15. A. Muniyappa.
16. B. Rachiah.
17. K. Futtaswamy.
18. H. K. Veeranna Gowda.
19. Ramakrishna Hegde.
20. B. V. Desai.
21. D. Mookappa.
22. A. S. Dudhya Naik.
23. Gajanan Pandit.
24. K. L Narasimhaiya.
25. V. Srinivasa Shetty.
26. U. M. Madappa.
27. B Chamaiya.
28. M. Ramappa.
29. C. J. Muckannappa.
30. A. M. Basavegouda.
31. V. S. Patil.
32. B. L. Narayanaswamy.
33. Smt. Basavarajeswari.

and that the Joint Select Committee present its report during the current session.".

APPENDIX II.

(*Vide* Para 3 of the Report.)

Motion in the Legislative Council.

"That this House concurs in the appointment of a Joint Select Committee of the two Houses consisting of a total number of 44 members, 33 members from the Legislative Assembly and 11 members from the Council, to consider the Mysore Land Reforms Bill, 1958 and that the following members of the House shall be the members of the Joint Select Committee :—

Sriyuths—

1. H. F. KATTIMANI.
2. P. M. NADAGOWDA.
3. V. S. CHATNALLI.
4. DR. S CHAMPA.
5. T. VENKATARAMANAIAH.
6. H. BASAPPA.
7. K. M. NANJUNDAPPA.
8. B. HUTCHE GOWDA.
9. B. B. MAMDAPUR.
10. M. P. L. SASTRY.
11. G. V. ANJANAPPA.

Sriyuths Raghavendrachar Jagirdar, B. Chikkannaswamy were appointed to serve on the Joint Select Committee to fill up the vacancies caused by the retirement of Sri B. Hutche Gowda and T. Venkataramanaiah on 13th May 1960. Sri H. F. Kattimani and Sri P. M. Nadagowda continued to be members as they were reelected after retirement on the 13th May 1960.

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Date

THE MYSORE LAND REFORMS BILL, 1961.

Arrangement of Clauses.

Clauses.

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[AS AMENDED BY THE JOINT SELECT COMMITTEE]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE LAND REFORMS BILL, 1961.

A Bill to enact a uniform law relating to land reforms in the State of Mysore.

WHEREAS it is expedient to enact a uniform law in the State of Mysore relating to agrarian relations, conferment of ownership on tenants, ceiling on land holdings and for certain other matters hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Land Reforms Act, 1961.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requiries,—

(1) "agriculture" includes—

(*a*) horticulture;

(*b*) the raising of crops, grass or garden produce;

(*c*) the use by an agriculturist of the land held by him or a part thereof for the grazing of his cattle,

but does not include allied pursuits, or the cutting of wood only;

(2) "agricultural labourer" means a person whose principal means of livelihood is manual labour on land;

(3) "agriculturist" means a person who cultivates land personally;

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(4) "allied pursuits" means dairy farming, poultry farming, breeding of live-stock, grazing (other than the pasturage of one's own agricultural cattle) and such other pursuits as may be prescribed;

(5) "appointed day" means the date appointed under sub-section (3) of section 1;

(6) "basic holding" means land which is equal to two standard acres;

(7) "ceiling area" means land which is equal to ~~twenty-seven~~ eighteen standard acres;

(8) "Co-operative Society" means a co-operative society as defined in the Mysore Co-operative Societies Act, 1959;

(9) "co-operative farm" means a co-operative farm registered as provided in section 91;

(10) "to cultivate" with its grammatical variations and cognate expressions means to till or husband the land for the purpose of raising or improving agricultural produce whether by manual labour or by means of cattle or machinery, or to carry on any agricultural operation thereon; and the expression "uncultivated" shall be construed correspondingly;

Explanation.—A person who takes up a contract to cut grass, or to gather the fruits or other produce of * any land, shall not on that account only be deemed to cultivate such land;

(11) "to cultivate personally" means to cultivate land on one's own account—

(i) by one's own labour, or

(ii) by the labour of any member of one's family, or

(iii) by hired labour or by servants on wages payable in cash or kind, but not in crop share, under the personal supervision of oneself or any member of one's family; *

* * * *

Explanation I.—Any of the persons mentioned in proviso (*b*) to sub-section (1) of section 5 shall be deemed to cultivate the land personally if such a land is cultivated by servants, or by hired labour.

Explanation II.—In the case of a joint family, the land shall be deemed to be cultivated personally, if it is cultivated by any member of such family;

(12) "family" in relation to a person, means such person, and if married, the wife or husband, as the case may be, and the dependent children and grand children, of such person;

(13) "family holding" means land which is equal to six standard acres;

(14) "fragment" means * * * a plot of land of any class the area of which is less than such area as may be notified by the State Government for that class of land for the local area concerned;

(15) "improvement" means, with reference to any land, any work which adds to the letting value of the land and which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the land, is either executed directly for its benefit or is, after execution, made directly beneficial to it; and, subject to the foregoing provisions, includes—

(*a*) the construction of tanks, wells, water channels, embankments and other works for the storage, supply or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;

(*c*) the planting of trees or plantation crops and the reclaiming, clearing, enclosing, levelling or terracing of land;

(*d*) the erection of buildings on or in the vicinity of the land, elsewhere than in the municipal or urban area, reasonably required for the convenient or profitable use or occupation of the holding; and

(*e*) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto;

but does not include temporary wells and such water-channels, embankments, levellings, enclosures or other works, or petty alterations or repairs to such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture.

* * * *

Explanation.—A work which benefits several lands may be deemed to be an improvement with respect to each of such holdings;

(16) "intermediary" means any person who, not being a land-owner, has an interest in the land, and is entitled, by reason of

such interest, to possession thereof, but has lawfully transferred such possession to others ;

(17) "joint family" means in the case of persons governed by Hindu Law, an undivided Hindu family, and in the case of other persons, a group or unit the members of which are by custom joint in estate or residence;

(18) "land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes horticultural land, forest land, garden land, pasture land, plantation and tope but does not include house-site or land used exclusively for non-agricultural purposes ;

(19) "landless person" means a person who, holding no land whether as owner or tenant, earns his livelihood principally by manual labour on land, and intends to take to the profession of agriculture;

(20) "landlord" means a person who has leased land to a tenant and includes a person entitled to receive rent from a tenant ;

* * * *

Explanation.—An intermediary such as a permanent tenant or mulgenidar or mirasi-tenant who having taken land on lease from the land-owner has leased it to another person shall be deemed to be the landlord with reference to the person to whom the land is leased;

(21) "land-owner" means an owner of land and includes a trustee or mortgagee with possession thereof;

(22) "notification" means a notification published in the official gazette;

(23) "permanent tenant" means a tenant—

(*a*) the commencement or duration of whose tenancy cannot satisfactorily be proved by reason of antiquity of such tenancy ; or

(*b*) whose name or the name of whose predecessor-in-title has been entered in the record of rights or in any public record or in any other revenue record as a permanent tenant; or

(*c*) who by custom, agreement or the decree or order of a court holds the land on lease permanently; or

or Khata Kulas

(*d*) who holds land as mulgenidar or mirasdar;

and includes any person whose tenancy is under the provisions of any law presumed to be coextensive with the duration of the tenure of the landlord;

(24) "person" includes a company, family, association or other body of individuals whether incorporated or not, and any institution capable of holding property;

(25) "plantation crops" means * cardamom, * coffee, pepper, rubber and tea;

(26) "prescribed" means prescribed by rules made under this Act;

(27) "protected tenant" means a tenant of any land if he has held it continuously and cultivated it personally for a period of not less than twelve years prior to the appointed day, and includes—

(i) in the Bombay Area, a person who was recognised to be a protected tenant under section 4A of the Bombay Tenancy and Agricultural Lands Act, 1948, as in force in that Area before the appointed day, and

(ii) in the Hyderabad Area, a person who was deemed to be a protected tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950, as in force in that Area before the appointed day;

Explanation.—(1) If the tenant came to hold the land by inheritance or succession from another person or if he has held such land as a tenant and is an heir to such other person, the period during which such other person held such land as a tenant shall be included in calculating the period of twelve years under this clause;

(2) If the tenant holding the land held, as a tenant, at any time within the twelve years before the appointed day from the same landlord in the same village, any other land which he cultivated personally, the period during which he held such other land shall be included in calculating the period of twelve years under this clause;

(3) Where any land is held by two or more persons jointly as tenants all such persons shall, if any one of them cultivated and continues to cultivate such land personally be deemed to be protected tenants in respect of such land;

(4) If a tenant had sublet a land on account of any temporary disability, he shall be deemed, for purposes of his acquiring rights of a protected tenant, to continue in possession and cultivate the land personally for the period of the sub-lease;

(28) "rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(29) "resumable land" in respect of any land leased by a landlord, means the extent of land which he is entitled to resume from his tenants under section 14; and the remaining part of the leased land, or where the landlord is not entitled to resume any extent of land leased to a tenant, the entire extent of land leased to a tenant shall be the "non-resumable land":

Provided that in respect of lands held on lease on the appointed day,

(i) all lands leased to a permanent tenant by any person; and

(ii) all lands leased to any tenant by a company, association or other body of individuals whether incorporated or not, or by an institution capable of holding property,

shall be deemed to be non-resumable land:

Provided further that subject to the preceding proviso in the case of a landlord who is a small holder who files a statement under sub-section (7) of section 14, the entire extent of land leased to a tenant shall not be deemed to be non-resumable land;

(30) "serving member of the armed forces" means a person in the service of the armed forces of the Union:

Provided that if a question arises whether any person is a serving member of the armed forces of the Union such question shall be decided by the State Government, and its decision shall be final;

(31) "small holder" means a land-owner owning land not exceeding two basic holdings;

(32) "standard acre" means one acre of the first class of land or an extent equivalent thereto consisting of any one or more classes of land specified in Part A of Schedule I determined in accordance with the formula in Part B of the said Schedule;

(33) "tenancy" means the relationship of landlord and tenant;

(34) "tenant" means an agriculturist who holds land on lease from a landlord and includes a person who is deemed to be a tenant under section 4 and a person who is a permanent tenant or protected tenant;

Explanation:—A person who takes up a contract to cut grass, or to gather the fruits or other produce of * * any land, shall not on that account only be deemed to be a tenant;

(34) "unmarried woman" means a woman who has never been married

(35) "Tribunal" means the Land Tribunal constituted under section 111;

(36) "village" means a village recognised as such in the revenue accounts.

(β) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State, and the Transfer of Property Act, 1882, as the case may be.

(γ) In this Act, "land possessing facilities for assured irrigation" means land in such areas as the prescribed officers may in the prescribed manner determine; and such determination shall, subject to revision by the State Government, either *suo motu* or otherwise, be final.

3. * * * *

4. * * * *

5. * * * *

CHAPTER II.

GENERAL PROVISIONS REGARDING TENANCIES.

3. Extension of Transfer of Property Act to agricultural land in Hyderabad Area and application of Chapter V of that Act to tenancies and leases.—(1) The Transfer of Property Act, 1882 (Central Act V of 1882) shall extend to agricultural land in the Hyderabad Area, and the terms "property" and "immoveable property" in the said Act shall include agricultural land.

(2) The provisions of Chapter V of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of lands to which this Act applies.

4. Persons to be deemed tenants.—A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant or a hired labourer on wages payable in cash or kind but not in crop share cultivating the land under the personal supervision of the owner or any member of the owner's family, or

(*c*) a mortgagee in possession:

Provided that, if upon an application made by the owner within one year from the appointed day to the Tribunal—

(i) the Tribunal declares that such person is not a tenant and its decision is not reversed on appeal * * or

(ii) the Tribunal refuses to make such declaration but its decision is reversed on appeal * *

such person shall not be deemed to be a tenant.

* * * * *

5. Prohibition of leases, etc.—(1) Save as otherwise provided in this Act, after the appointed day no tenancy shall be created or continued in respect of any land nor shall any land be leased for any period whatsoever:

Provided that—

(*a*) any small holder may create or continue a tenancy or lease the land owned by him;

(*b*) any land-owner who—

(i) is a minor, * * or

(ii) is incapable of cultivating land by reason of any physical or mental disability, or

(iii) is a serving member of the armed forces,

may create or continue a tenancy or lease the land owned by him.

(2) Every lease granted after the appointed day under the proviso to sub-section (1) shall be in writing.

6. Tenancy not to be terminated by efflux of time.—No tenancy of any land shall be terminated merely on the ground that the period fixed for its duration whether by agreement or otherwise has expired.

7. Restoration of possession to tenants dispossessed in certain circumstances.—(1) A person who or whose predecessor-in-title held land in any area as a tenant for a period of six consecutive years before the date specified in sub-section (2) in respect of such area and who after that date and before the appointed day, has been dispossessed from such land either by surrender of the tenancy or by eviction, may, within one year from the appointed day apply to the Tribunal for the restoration of his tenancy on the same terms and conditions as he held the land before such dispossession, unless on the appointed day the land * * * has been put to non-agricultural use.

Provided further that nothing in this sub-section shall affect the continuance of tenancies of resumable land until the dispossession of the tenants under section 14 and of non-resumable land until the date of vesting under section 44.

(2) For purposes of sub-section (1), in respect of the areas specified in column (1) of the following table, the dates shall be the dates specified in the corresponding entry of column (2) of the said table.

TABLE

(1) Areas	(2) Dates
(a) Mysore Area except Bellary District...	1st January 1952.
(b) Bellary District ...	1st November 1955.
(c) South Kanara District ...	3rd March 1954.
(d) Kollegal Taluk of Mysore District	27th September 1955.
(e) Coorg District	1st July 1956.
(f) Hyderabad Area ...	1st January 1952.
(g) Bombay Area	1st January 1952.

(3) On receipt of an application under sub-section (1), the Tribunal shall inquire into the circumstances in which and the procedure under which such dispossession took place and if it is satisfied that such dispossession took place as a result of—

(a) surrender and the consent of the tenant was procured by fraud, misrepresentation or undue influence or pressure of any kind whatsoever or was otherwise in contravention of the provisions of the law applicable for the time being; or

(b) expiry of the duration of tenancy; or

(c) any act of the landlord or any person acting on his behalf without recourse to a court of law or in contravention of any provision of law,

the Tribunal shall order the restoration of possession of the land and the tenancy thereof to the tenant:

Provided that the Tribunal shall not order restoration of possession of the land, if it is satisfied that the land is held on lease *bona fide* by a tenant who is not a member of the family of the landlord, or the dispossession, by surrender of the tenancy or by eviction, took place in accordance with any provision of law, or that another person, not being the landlord, is legally entitled to possession of the land.

(4) Sub-sections (1) and (3) shall have effect notwithstanding that another person not being a person referred to in the proviso to sub section (3), may be in possession of the land as a tenant or otherwise, and where such other person is so in possession he shall be liable to be evicted.

8. **Rent.**—(1) Subject to the provisions of this Act, and notwithstanding any law, custom, usage, agreement or the decree or order of a court to the contrary,—

(*a*) the rent payable by a tenant shall be paid annually; and

(*b*) such rent shall not exceed one-fourth of the gross produce or its value in cash in the case of land possessing facilities for assured irrigation from a tank or a river channel, and one-fifth of the gross produce or its value in cash in the case of any other land:

Provided that where the rent payable by any tenant under any contract ~~or under any law in force immediately before the appointed day~~ was less than the maximum rent specified in clause (*b*), such tenant shall not be liable to pay more than such rent:

Provided further that in the areas notified by the State Government as malnad area, the rent in respect of lands classed as dry but exclusively used only for grazing or for removing leaves, shall be twice the land revenue payable on such land. * *

(2) For purposes of sub-section (1),—

(*a*) the gross produce per acre in any year of any land in each local area specified by the State Government by notification, shall be the average yield for that year of the principal crops grown on that class and grade of land in that local area published under sub-section (4);

(*b*) the value in cash of the produce payable as rent shall be as determined in accordance with the prices notified under sub-section (2) of section 9.

* * * * *

(3) The average yield for each of the principal crops for each class and grade of land in each local area shall be determined by the prescribed authority in the prescribed manner, taking into consideration the productivity of the lands and such other factors as may be prescribed. The average yield so determined shall be in force for a period of five years and shall be liable to be revised by the prescribed authority thereafter at the end of each successive period of five years:

Provided that the average yield determined at any time shall be deemed to continue in force until revised by the prescribed authority.

(4) The average yield determined under sub-section (3) shall be published in the prescribed manner.

9. Delivery of crop rent and decision of disputes regarding rent payable.—(1) Where the rent payable is a share of the gross produce, it shall be payable to the landlord at the village where the land is situated, before the date notified by the State Government in respect of the local area in which such village is situated.

(2) Where the rent is in accordance with the agreement with the landlord payable in cash, or the landlord desires payment of the rent in cash, or the landlord fails to receive the rent in kind before the date notified under sub-section (1), *

* the tenant shall pay to the landlord the rent in cash the value in cash of the rent being determined in accordance with the prices notified for that year by the prescribed authority.

(3) Where there is a dispute between the landlord and the tenant as regards the rent payable, or the landlord evades receiving the rent and giving a receipt, the tenant shall be deemed to have paid the rent if he deposits with the Tahsildar the value in cash of the rent payable in kind under sub-section (1) of section 8, the value in cash being determined in accordance with the prices notified under sub-section (2).

sends by postal money order to

(4) A dispute between the landlord and the tenant as regards the rent payable shall, on the application of the landlord or the tenant, be determined by the Tribunal.

10. Rights and liabilities of landlord.—Notwithstanding any law, usage or agreement or the decree or order of a court, but save as otherwise provided in this Act, in the case of land in respect of which the rent is payable under section 8—

(*a*) the * landlord shall not be liable to make any contribution towards the cost of cultivation of the land in the possession of a tenant;

(*b*) the landlord shall be responsible for the payment of the land revenue, water rate, and all other taxes, cesses or fees payable to the Government in respect of the land;

(*c*) no * landlord or any person on his behalf shall recover or receive rent in terms of service or labour.

11. Refund of rent recovered in contravention of provisions of the Act.—If any landlord or any person on his behalf recovers rent from any tenant in contravention of the provisions of section 8, 9 or 10, the landlord shall forthwith refund the excess amount so recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Tribunal in this behalf, and shall

also be liable to such penalty not exceeding twice the excess amount recovered, or where the rent is paid in kind, twice the value in cash of the excess rent recovered, as the Tribunal may fix.

12. Abolition of all cesses, etc.—Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, premium, *huk* or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

13. Suspensions, remissions, reduction or enhancement of rent.—(1) Whenever from any cause the payment of the entire land revenue payable to the State Government in respect of any land is suspended or remitted, the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to the State Government in respect of such land and if from any cause, the payment of the whole or any part of the land revenue payable to the State Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Deputy Commissioner shall, subject to the general or special orders of the State Government, in the manner provided in sub-section (1), suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(3) No suit or other proceeding shall lie and no decree or order of a civil court or other authority shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in section 98 of the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State, the Deputy Commissioner shall, in passing an order for rendering assistance to the landlord, allow to the tenant a set-off for the sum, if any, paid by such tenant to the landlord in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 98 of the said Code or corresponding law.

The set-off under this sub-section shall be allowed only in respect of the sums paid by such tenant to such landlord during a period of three years immediately preceding the date of the application for assistance.

(5) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the Tribunal for the recovery of the amount, and the Tribunal may, after * an inquiry, make an order for the refund, and for payment of such penalty not exceeding the amount so recovered, as the Tribunal may fix.

(6) The Tribunal may, after inquiry on an application by the tenant or landlord at any time during the currency of the tenancy,—

(*a*) reduce the rent payable for any year, if it is satisfied that on account of the deterioration of the land by flood or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for cultivation, or there has been damage to crops;

(*b*) subject to the provisions of section 8, enhance the rent, if it is satisfied that on account of any improvement made in the land, at the expense of the landlord, there has been an increase in the agricultural produce thereof.

14. Resumption of land from tenants—(1) Notwithstanding anything contained in sections 22 and 43, but subject to the provisions of this section and of sections 15, 16, 17, 18, 19, 20 and 41, a landlord may, if he *bona fide* requires land, other than land held by a permanent tenant,—

(i) for cultivating personally, or

(ii) for any non-agricultural purpose,

file with the Tribunal a statement indicating the land or lands owned by him and which he intends to resume and such other particulars as may be prescribed. On such statement being filed, the Tribunal shall, as soon as may be, after giving an opportunity to be heard to the landlord and such of his tenants and other persons as may be affected, and, having due regard to contiguity, fertility and fair distribution, of lands, and after making such other inquiries as the Tribunal deems necessary, determine the land or lands which the landlord shall be entitled to resume, and shall issue a certificate to the landlord to the effect that the land or lands specified in such certificate has been reserved for resumption; and thereupon the right to resume possession shall be exercisable only in respect of the lands specified in such certificate and shall not extend to any other land.

Explanation.—Subject to such rules as may be prescribed, the Tribunal, within the jurisdiction of which the greater part of the land held by the landlord is situated shall be the Tribunal competent to issue a certificate under this section.

(2) (*a*) In respect of tenancies existing on the appointed day the statement under sub-section (1) shall be filed within one year from that day.

(*b*) In respect of tenancies created after the appointed day, the statement under sub-section (1) shall be filed within five years from the date of creation of the tenancy:

Provided that where an application has been made by the tenant under section 88 before such statement is filed, the Tribunal shall deal with the statement along with such application.

(*c*) In the case of a landlord who is subject to any disability, the statement under sub-section (1) shall be filed by the guardian, manager or other person in charge of the property of such person.

(3) Save as provided in sub-section (7), if no statement is filed within the period specified in sub-section (2), all the land held by the landlord concerned, and where such statement has been filed, lands other than lands in respect of which the certificate under sub-section (1) is issued, shall be deemed to be non-resumable lands leased to tenants for purposes of this Act.

(4) In respect of tenancies existing on the appointed day, as soon as may be after the expiry of one year from the appointed day, and in respect of tenancies created after the appointed day, as soon as may be after the statement under sub-section (1) is filed, the Tribunal shall after such inquiry as it deems fit, determine the lands which will be non-resumable lands leased to tenants for purposes of this Act.

(5) Where a certificate is issued in respect of any land under sub-section (1),

(*a*) in the case of tenancies existing on the appointed day, the landlord shall make an application to the Tribunal for possession of such lands within twelve months from the date of issue of the certificate, but the tenants shall not be dispossessed before the 31st March of the calendar year succeeding the calendar year in which the application for possession is made;

(*b*) in the case of tenancies created after the appointed day, the landlord shall not be entitled to resume the the land before the expiry of five years from the date of

creation of the tenancies concerned, and the tenants shall not be dispossessed before the 31st March of the calendar year succeeding the calendar year in which the application for possession is made.

(6) Notwithstanding anything contained in sub-section (5), where the landlord belongs to any of the following categories, namely :—

(i) a minor;

(ii) a person incapable of cultivating land by reason of any physical or mental disability,

(iii) a woman

then, the application to the Tribunal for possession of land shall be made, within one year from the date on which;

(*a*) in the case of category (i), he attains majority;

(*b*) in the case of category (ii), he ceases to be subject to such physical or mental disability:

(c) in the case of category (iii)

Provided that where land is held by two or more joint landlords, the provisions of this sub-section shall not apply unless all such landlords belong to the categories specified in clauses (i) and (ii) and the application shall be made within one year from the date on which any one of such landlords ceases to belong to any such category and an application by any one of the joint holders shall be deemed to be a valid application on behalf of all the joint holders:

Provided further that where a person belonging to any of the categories specified in clause (i) or (ii) of this sub-section, is a member of a joint family, the provisions of this sub-section shall not apply unless all the members of the joint family belong to the categories specified in clauses (i) and (ii), but where the share in the joint family of a person belonging to any of such categories has been separated by metes and bounds before the filing of the statement under sub-section (1), if the Tribunal on inquiry is satisfied that the share of such person in the land separated, having regard to the area, assessment, classification and value of the land is in the same proportion as the share of that person in the entire joint family property, and not in a larger proportion, the provisions of this sub-section shall be applicable to such persons.

(7) Notwithstanding anything contained in the preceding sub-sections, a landlord who is a small holder may within the period specified in sub-section (2), file a statement before the Tribunal that he does not intend to resume any land leased to a tenant and when

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any such statement is filed, such small holder shall not thereafter be entitled to resume any such land, except with the previous sanction of the Tribunal:

Provided that no sanction shall be given for resumption of land by a small holder under this sub-section before the expiry of five years from the appointed day.

15. Resumption of land by members of the Armed Forces.—Where the landlord is a serving member of the armed forces he shall not be liable to file the statement under sub-section (1) of section 14, until he ceases to be a member of such Force, and he shall file such statement within one year from the date on which he ceases to be a member of such Force; and the provisions of section 14 applicable to resumption of land from tenants holding tenancies existing on the appointed day shall *mutatis mutandis* be applicable in respect of resumption of land by the said landlord.

16. Conditions restricting resumption of land under section 14.—The right of a landlord to resume for cultivating the land personally under section 14, shall be subject to the following conditions, namely :—

(1) (*a*) If the landlord owns land not exceeding a basic holding and

(*i*) if the tenant owns land or is entitled to non resumable land, the aggregate of which is equal to or more than the land owned by the landlord, the landlord shall be entitled to resume the whole land leased to the tenant;

(*ii*) if the tenant owns land or is entitled to non-resumable land, the aggregate of which is less than the land owned by the landlord or does not own any land or is not entitled to any non-resumable land, the landlord shall be entitled to resume one-half of the land leased to the tenant;

Explanation.—For purposes of this sub-clause, tenant means a person other than a protected tenant.

(*b*) If the landlord owns land not exceeding a basic holding, and if the tenant is a protected tenant, the landlord shall not be entitled to resume the land leased to such protected tenant.

(2) If the landlord owns land exceeding two basic holdings, he shall be entitled to resume one half of the area leased to the tenant, provided that the total area resumed by the landlord does not exceed three family holdings.

(3) No landlord who has been cultivating personally land exceeding three family holdings shall be entitled to resume any land leased.

(4) The right to resume land under clauses (1) to (3) shall be subject to the further condition that the land resumed from all the tenants holding under the landlord together with the extent of land, if any, cultivated by the landlord personally and any non-resumable land held by him shall not exceed three family holdings.

(5) In respect of lands cultivated with plantation crops, the landlord shall not be entitled to resume more than one-half of the land leased to a tenant.

(6) If more tenancies than one are held under the same landlord, then the landlord shall be competent to resume land only from tenants whose tenancy or tenancies are the shortest in point of duration :

* * * *

Provided that the landlord shall be competent to resume lands held by protected tenants only if the required extent of land cannot be resumed from tenants other than protected tenants :

Provided further that where such tenancy or tenancies shortest in point of duration shall on resumption leave with the tenant land in extent which will be less than a basic holding, the resumption shall be made in respect of tenancy or tenancies next longer in point of duration.

(7) The right to resume land by the landlord shall be subject to the further condition that in the case of protected tenants, each protected tenant shall be left with a basic holding or the land actually held by him, whichever is less.

(8) The right to resume land from any tenant shall be exercisable under section 14 only once.

(9) The income by the cultivation of the land of which he is entitled to resume shall be the principal source of income for the maintenance of the landlord.

* * * *

(10) If as a result of the resumption of land under section 14, a fragment is created, the person entitled to the larger part of the land shall be entitled to the fragment also.

(11) No landlord who at any time before the appointed day had resumed land from any tenant for personal cultivation under

* the Bombay Tenancy and Agricultural Lands Act, 1948, or * the Hyderabad Tenancy and Agricultural

Lands Act, 1950, shall be entitled to resume again under section 14 any land left with the same tenant.

* * * *

17. Determination of rent of non-resumable land.—After the resumption of land under section 14, the rent in respect of the non-resumable land left with the tenant, shall be determined in the prescribed manner in proportion to the area of the land left with the tenant.

18. No resumption of land from a member of Co-operative Farm * .—Nothing in section 14 shall entitle a landlord to resume the land of a tenant who has become a member of a Co-operative Farm and so long as he continues to be such a member.

19. Restriction on transfer of resumed land.—Notwithstanding anything contained in any other law or in section 80, no land resumed from a tenant under section 14, shall within six years from such resumption be transferred by sale, gift or exchange:

Provided that such land may be sold to the tenant who on resumption had been evicted from that land, at a value to be determined by the Tribunal.

20. Landlord to surrender land to State Government if he fails to cultivate, etc.—Where a person who has taken possession of any land by evicting a tenant therefrom on resumption under section 14, fails to use the land for the purpose for which he resumed the land within one year from the date on which he took possession or ceases to use it at any time for any of the said purposes within six years from the date on which he took such possession, the landlord shall surrender the land to the State Government, and on such surrender the State Government shall pay compensation as if it were surplus land surrendered under Chapter IV.

* * * *

21. Sub-division, sub-letting and assignment prohibited.—(1) No sub-division or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid:

Provided that nothing in this sub-section shall affect the rights, if any, of a permanent tenant:

Provided further that if the tenant dies,—

(i) if he is a member of a joint family, the surviving members of the said family, and

(ii) if he is not a member of a joint family, his heirs,

shall be entitled to partition and sub-divide the land leased, subject to the following conditions:—

(*a*) each sharer shall hold his share as a separate tenant;

(*b*) the rent payable in respect of the land leased shall be apportioned among the sharers, as the case may be, according to the share allotted to them;

(*c*) the area allotted to each sharer shall not be less than a fragment;

(*d*) if such area is less than a fragment the sharers shall be entitled to enjoy the income jointly, but the land shall not be divided by metes and bounds;

(*e*) if any question arises regarding the apportionment of the rent payable by the sharers, it shall be decided by the Tribunal whose decision shall be final.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant,—

(*a*) who is a minor, a widow or an unmarried woman or a person incapable of cultivating land by reason of any physical or mental disability, or a serving member of the armed forces, to sublet such land held by her or him as a tenant; or

(*b*) who is a member of a co-operative farm and as such member to sublet, assign, mortgage or to create a charge on his interest in the land in favour of such farm.

(3) Notwithstanding anything contained in sub-section (1), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under any law

* * * *

or in favour of a co-operative society or the Coffee Board in consideration of a loan advanced to him by such co-operative society or the Coffee Board and without prejudice to any other remedy open to the State Government, the co-operative society or the Coffee Board, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was

granted, it shall be lawful for the State Government, the co-operative society or the Coffee Board, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

22. Eviction of tenant for default, etc.,.—(1) Notwithstanding any agreement, usage, decree or order of a court of law, and subject to the provisions of section 24, no person shall be evicted from any land held by him as a tenant except on any of the following grounds, namely :—

(*a*) that the tenant has failed to pay the rent of such land on or before the due date during two consecutive years, provided the landlord has issued every year within three months after the due date, a notice to the tenant that he has failed to pay the rent for that year ;

(*b*) that the tenant has done any act which is permanently injurious to the land ;

(*c*) that the tenant has sub-divided, sublet or assigned the land in contravention of section 21 ;

(*d*) that the tenant has failed to cultivate the land personally ;

(*e*) that the tenant has used such land for a purpose other than agriculture or allied pursuits :

Provided that no * * tenant shall be evicted under this sub-section unless the landlord has given six months' notice in writing informing the tenant of his decision to terminate the tenancy and the particulars of the ground for such termination, and within that period the tenant has failed to remedy the breach for which the tenant is proposed to be evicted.

Explanation.—A tenant shall be deemed to have failed to pay rent payable by him to the landlord for any year, if he does not pay it before the end of June next after the expiry of the year.

(2) Nothing in sub-section (1) shall apply to the tenancy of any land held by a permanent tenant unless by the conditions of such tenancy the tenancy is liable to be terminated on any of the grounds mentioned in the said sub-section.

(3) Notwithstanding anything contained in sub-section (1), the tenancy of any land held by a tenant who is a minor or who is subject to physical or mental disability or who is a serving member of the armed forces, shall not be liable to be terminated under the said sub-section only on the ground that such land has been sub-let by or on behalf of the said tenant.

23. Eviction not to be ordered if rent paid during pendency of proceedings.— (1) Notwithstanding anything contained in section 22, the Tribunal shall not order possession to be restored to the landlord on the ground of default in paying rent, if during the pendency of any proceeding * * * for such restoration of possession, the tenant pays to the landlord the arrears of rent, together with the costs of the proceedings, as decided by the Tribunal, within such period as may be fixed by the Tribunal.

(2) Notwithstanding any thing contained in any enactment repealed by section 143 or in any other law, in any proceedings pending before any court, officer or authority on the appointed day for eviction of a tenant on the ground of default in paying rent, such court, officer or authority shall not order eviction of the tenant, if the tenant pays to the landlord the arrears of rent together with the costs of the proceedings as decided by such court, officer or authority within such period as such court, officer or authority may fix.

24. Rights of tenants to be heritable.— (1) Where a tenant dies, the landlord shall be deemed to have continued the tenancy—

(*a*) if such tenant was a member of an undivided Hindu family, to the surviving members of the said family, and

(*b*) if such tenant was not a member of an undivided Hindu family, to his heirs,

on the same terms and conditions on which such tenant was holding at the time of his death.

* * * * * *

(2) The interest of a permanent tenant in his holding shall on his death pass by inheritance or survivorship in accordance with his personal law.

25. Surrender by tenant.—(1) Notwithstanding anything contained in this Act, a tenant may terminate the tenancy in respect of any land held by him at any time by surrender of his interest therein in favour of the landlord :

Provided that such surrender shall not be effective unless it is made in writing and is admitted by the tenant before the Tribunal and is made in good faith to the satisfaction of the Tribunal and is registered in the office of the Tribunal in the prescribed manner:

Provided further that where the land is cultivated jointly by joint tenants or members of an undivided Hindu family, unless the surrender is made by all of them, it shall be ineffective in respect of such joint tenants as have not subscribed to the surrender.

(2) Where a tenant surrenders his tenancy, the landlord shall be entitled to retain the land so surrendered, if the ceiling limit referred to in section 63 or 64, to which such landlord is entitled is not exceeded; otherwise the provisions of sections 65 to 79 shall *mutatis mutandis* apply to the land or the portion thereof, which exceeds the ceiling limit as if it were surplus land.

26. Tenancy in abeyance during usufructuary mortgage in favour of tenant.—If any land is mortgaged by a landlord by way of a usufructuary mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, * * * * * be lawful to the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created.

* * * * * *

27. Tenant's rights to trees planted by him.—If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the Tribunal :

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant :

Provided further that the landlord shall during the continuanced of the tenancy, be entitled to the rent of the land as if the trees hae not been planted.

28. Right to produce of naturally growing trees.—(1) If the landlord has any right to the trees naturally growing on the land held by his tenant, the tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the landlord being entitled to one-third of the produce of such trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce under sub section (1), the tenant or the landlord may apply in the prescribed form to the Tribunal.

(3) On receipt of such application, the Tribunal shall after holding an inquiry, pass such orders thereon as it deems fit.

29. Tenants responsible for maintenance of boundary marks.—Notwithstanding anything contained in any law relating to the maintenance of boundary marks of lands, the responsibility

for the maintenance and good repair of the boundary marks of lands held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or repair of such boundary marks shall be upon the tenant.

30. Repairs of protective bunds.—(1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the Assistant Commissioner that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the landlord and the tenant or for any other reason, he may by an order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable as arrears of land revenue from the person who under any agreement, usage or custom is liable to construct, maintain or repair the bunds.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the cost so incurred by him shall, on application made by him to the Tribunal, be recoverable by him from the landlord according to his liability under any agreement, usage or custom. The costs of the proceedings on the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the cost incurred by the tenant for the construction, maintenance or repair of the bunds.

31. Tenant's right to erect farm house.—A tenant shall be entitled to erect a farm house reasonably required for the convenient or profitable use or occupation of the holding, on the land held by him as a tenant.

32. Betterment contribution.—If at any time any amount is levied or imposed by the Government on a land held by a permanent tenant as betterment contribution under the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, or under any other provision of law, the permanent tenant * * thereof shall be liable to pay such amount to the Government.

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* * * * * *

33. Receipts for rent.—(1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) When any rent is received in respect of any land by a landlord or by a person on behalf of such landlord, the landlord or, as the case may be, such person shall, at the time when such rent is received by him give a written receipt therefor in such form and in such manner as may be prescribed.

34. Bar to attachment or sale by process of court.—Save as expressly provided in this Act or in the Mysore Co-operative Societies Act, 1959, no interest of a tenant in any land held by him as a tenant shall be liable to be attached, seized or sold in execution of a decree or order of a civil court.

35. Bar to eviction from dwelling house.—(1) If in any village, a tenant is in occupation of a dwelling house * * on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment), unless—

(*a*) the landlord proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title ; and

(*b*) such tenant makes any default in the payment of rent, if any, which he has been paying for the use and occupation of such site.

(2) The provisions of sub-section (1) shall not apply to a dwelling house which is situated on any land used for the purposes of agriculture from which a tenant has been evicted under section 14 or 22.

36. Tenant to be given first option to purchase site.—(1) If a landlord to whom the site referred to in section 35 belongs intends to sell such site, the tenant at the expense of whom or whose predecessor-in-title a dwelling house is built thereon shall be given in the manner provided in sub-section (2) the first option of purchasing the site at a price determined by the Tribunal.

(2) The landlord intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from the date of service of such notice whether he is willing to purchase the site.

(3) If within the period of three months so specified the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Tribunal for the determination of the reasonable price of the site. On receipt of such application, the Tribunal, after giving notice to the tenant,

landlord and such other persons as may have interest in the site, and after holding an inquiry, shall determine the reasonable price of the site, provided that, where an annual rent is paid in respect of such site, the reasonable price shall not exceed twenty times the annual rent thereof. The Tribunal may, by an order in writing, require the tenant to deposit with the Tribunal the amount of price of such site within one year from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Tribunal shall on payment of the prescribed fees grant a certificate in the prescribed form to such tenant specifying therein the site so transferred and the name of such tenant.

(4) If the tenant fails to intimate his willingness to purchase the site within the time specified in sub-section (2) or fails to deposit the amount of the price within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the site and the landlord shall then be entitled to evict the tenant either on payment of such compensation for the value of the structure of such dwelling house as may be determined by the Tribunal or allow the tenant at his option to remove the materials of the structure.

(5) Any sale of a site held in contravention of this section shall be null and void.

37. Tenant's right to purchase site.—(1) If a tenant referred to in section 35 intends to purchase the site on which a dwelling house is built, he shall give notice in writing to the landlord to that effect.

(2) If the landlord refuses, or fails, to accept the offer and to execute the sale deed within three months from the date thereof, the tenant may apply to the Tribunal for the determination of the reasonable price of the site, provided that where an annual rent is paid in respect of such site, the reasonable price shall not exceed twenty times such annual rent ; and thereupon the provisions for the determination and payment of the price, the transfer of the site and the issue of a certificate of purchase contained in section 36 shall apply thereto.

38. Dwelling houses of agricultural labourers, etc.—The provisions of sections 35, 36 and 37 shall apply—

(*a*) to the dwelling houses and sites thereof built and occupied by agricultural labourers and artisans in any village ; and

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(*b*) to the lands held on lease in any village by persons carrying on an allied pursuit for the purpose of such pursuit.

39. First option to purchase land.—(1) If a landlord at any time intends to sell the land held by a tenant, he shall give notice in writing of the intention to such tenant and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

(2) If there is any dispute about the reasonable price payable for the land, either the landlord or the tenant may apply in writing to the Tribunal for determining the reasonable price; and the Tribunal after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(3) The tenant shall deposit with the Tribunal the amount of the price determined under sub-section (2) within such period as may be prescribed.

(4) On deposit of the entire amount of the reasonable price, the Tribunal shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land; the Tribunal shall also direct that the reasonable price deposited shall be paid to the landlord.

(5) If a tenant does not exercise the right of purchase in response to the notice given to him by the landlord under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), such tenant shall forfeit his right of purchase, and the landlord shall be entitled to sell such land to any other person in accordance with the provisions of this Act.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

40. Compensation for improvement made by tenant.—(1) A tenant who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement. For determining the amount of compensation, the tenant shall apply to the Tribunal in the prescribed form.

(2) The compensation to which a tenant shall be entitled under sub-section (1), shall be the estimated value of such

improvement at the time of the termination of his tenancy. In estimating such value regard shall be had to—

(*a*) the amount by which the value of the land is increased by the improvement;

(*b*) the present condition of the improvement and the probable duration of its effects;

(*c*) the labour and capital provided or spent by the tenant for the making of the improvement; and

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement including permanent fixtures.

41. **Procedure for taking possession.**—(1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house or site under any of the provisions of this Act or as a result of eviction in contravention of sub-section (2) may apply in writing for such possession to the Tribunal. The application shall be made in such form as may be prescribed and within a period of two years from the date on which the right to obtain possession of the land, dwelling house or site is deemed to have accrued to the tenant, agricultural labourer or artisan, as the case may be.

(2) Save as otherwise provided in this Act, no landlord shall obtain possession of any land, dwelling house or site held by a tenant except under an order of the Tribunal. For obtaining such order he shall make an application in the prescribed form and within a period of two years from the date on which the right to obtain possession of the land, dwelling house or site, as the case may be, is deemed to have accrued to him.

(3) On receipt of application under sub-section (1) or (2) the Tribunal shall, after holding an inquiry, pass such order, thereon as it deems fit.

(4) Any person taking possession of any land, dwelling house or site except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture of crops, if any, grown on the land in addition to payment of costs as may be directed by the Tribunal and also to the penalty prescribed in section 125.

42. **Procedure for recovery of rent.**—(1) Notwithstanding anything contained in any agreement or in any law for the time being in force, no suit or other proceeding shall lie in any Court or before any other authority for recovery of any rent payable by a tenant, except as provided in this section.

(2) A landlord claiming payment of rent by a tenant may apply to the Tribunal in the prescribed form for an order directing the tenant to pay the rent due to the landlord.

(3) On receipt of an application under sub-section (2), the Tribunal shall, after holding an inquiry, pass such order thereon as it deems fit.

(4) For purposes of the Indian Limitation Act, 1908, an application under this section shall be deemed to be a suit for arrear of rent, but the period of limitation shall be one year.

43 Rights or privileges of tenant not to be affected.—Save as provided in this Act, the rights and privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court * * shall not be limited or abridged.

CHAPTER III

CONFERMENT OF OWNERSHIP ON TENANTS.

44. Vesting of certain lands in State Government.—(1) As soon as may be after the determination of the non-resumable lands under sub-section (4) of section 14, by each Tribunal, the State Government may by notification declare that with effect from such date as may be specified in such notification (hereinafter referred to as the date of vesting) all the non-resumable lands determined by such Tribunal which are leased to tenants, whether protected or otherwise, and all lands leased to permanent tenants, in the area within the jurisdiction of such Tribunal, shall stand transferred to and vest in the State Government.

(2) When the notification under sub-section (1) is published in the official Gazette, then notwithstanding anything contained in any contract, grant or other instrument or in any other law for the time being in force, with effect on and from the date of vesting, and save as otherwise expressly provided in this Act, the following consequences shall ensue, namely:—

(*a*) all rights, title and interest vesting in the owners of such lands and other persons interested in such lands shall cease and be vested absolutely in the State Government, free from all encumbrances;

(*b*) all rents and all other amounts payable in respect of such lands on or after the date of vesting shall be payable to

the State Government and not to the land-owner, landlord or any other person and any payment made in contravention of this clause shall not be valid;

(*c*) all arrears of land revenue, cesses, water rate or other dues remaining lawfully due on the date of vesting in respect of such lands shall after such date continue to be recoverable from the land-owner, landlord or other person by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears from the compensation payable to any person under this Chapter;

(*d*) no such lands shall be liable to attachment in execution of any decree or other process of any court and any attachment existing on the date of vesting and any order for attachment passed before such date in respect of such lands, shall, cease to be in force;

(*e*) the State Government may, after removing any obstruction which may be offered, forthwith take possession of such lands:

Provided that the State Government shall not dispossess any person of any land in respect of which it considers, after such enquiry as may be prescribed, that he is *prima facie* entitled to be registered as an occupant or to the grant of a ryotwari patta under this Chapter;

(*f*) the land-owner, landlord and every other person interested in the land whose rights have vested in the State under clause (*a*), shall be entitled only to compensation from the Government as provided in this Chapter;

(*g*) permanent tenants, protected tenants and other tenants holding such lands shall, as against the State Government be entitled only to such rights and privileges and be subject to such conditions as are provided by or under this Act; and any other rights and privileges which may have accrued to them in such lands before the date of vesting against the landlord or other person shall cease and determine and shall not be enforceable against the State Government.

* * * * *

45. Tenants to be registered as occupants or granted ryotwari patta of land on certain conditions.—(1) Subject to the provisions of sub-sections (2), (3) and (4) of this section and the succeeding sections of this Chapter, every person who was a permanent

also, as far as practicable, other persons interested in such lands, calling upon each of them to appear before it on the date specified in the public notice.

(2) The Tribunal shall record the statement of the tenant whether he is or is not willing to be registered as an occupant or to have a ryotwari patta, as the case may be, of the land held by him as a tenant.

(3) Where any tenant makes a statement that he is not willing to be registered as an occupant or to have a ryotwari patta, of the land, or fails to appear before the Tribunal within one year from the date of vesting of the land, the Tribunal shall by an order in writing declare that such tenant is not willing to be registered as an occupant or to have a ryotwari patta, as the case may be, of the land and that the right conferred upon him under section 45 shall have no effect. Such tenant shall thereupon be entitled to be continued as a tenant under, the State Government in respect of the land of which he was a tenant under the landlord before the date of vesting:

Provided that if such order is passed in default of the appearance of any party, the Tribunal shall communicate such order to the parties, and any party on whose default the order was passed may within sixty days from the date on which the order was communicated to him apply for the review of the same.

(4) If a tenant is willing to be registered as an occupant or to have a ryotwari patta, as the case may be, and to pay a premium to the State Government equal to the amount of compensation in respect of such land, the Tribunal shall, subject to the provisions of the succeeding sections direct that the land in respect of which such tenant is entitled to be registered as occupant or to a ryotwari patta, as the case may be, shall be so registered or granted a ryotwari patta on payment to the State Government of the amount of premium.

(5) The Tribunal shall determine the amount of compensation payable for such land in accordance with the provisions of section 47, and shall prepare a statement showing the apportionment of the amount of compensation so determined among the persons entitled to it, in accordance with the value of their respective interests in the land and containing the following particulars :—

(*a*) the particulars of the lands in respect of which compensation is to be paid to the land owners, landlords, intermediaries, if any, and any other persons interested ;

(*b*) the names of the tenants or sub-tenants, as the case may be, entitled to be registered as occupants or to ryotwari pattas

in the same proportion in which the rent paid for the land by the tenant was being appropriated by them immediately before the date of vesting.

(2) The compensation payable shall be the aggregate of—

(*a*) (i) fifteen times, the value in cash of one fourth of the gross produce in the case of land possessing facilities for assured irrigation from a tank or river channel, less the land revenue of such land;

(ii) fifteen times, the value in cash of one-fifth of the gross produce in the case of land other than land referred to in sub-clause (i) less the land revenue of such land:

Provided that where the rent in respect of the land was payable to the landlord under any contract and such rent or the value in cash of such rent, was less than the value referred to in sub-clause (i) or sub-clause (ii), as the case may be, fifteen times of such rent or the value in cash of such rent, less the land revenue of such land:

Provided further that if the tenant in respect of the land was a permanent tenant, six times the excess of the rent payable under clause (*b*) of sub-section (1) of section 8 over the land revenue payable in respect of such land.

Explanation.—For purposes of sub-clauses (i) and (ii), the gross produce of the land shall be determined in accordance with the provisions of section 8;

(*b*) fifty per cent of the value of trees on the land, which belonged to the landlord, the gross produce of which is not taken into consideration for purposes of sub-clause (i) or (ii) of clause (*a*); and

(*c*) the depreciated value of any structures on the land constructed by the landlord.

48. Enquiry and determination of compensation.—(1) As soon as may be after the date of vesting, the Tribunal shall publish or cause to be published in the prescribed form a public notice in each village within its jurisdiction calling upon—

(a) all tenants entitled to be registered as occupants or to ryotwari pattas, as the case may be, under section 45;

(b) all landlords of such lands, and

(c) all other persons interested in such lands,

to appear before it on the date specified in the notice. The Tribunal shall issue a notice individually to each such tenant, landlord and

as the case may be, and the amount of premium payable to the State Government by each such tenant or sub-tenant, in addition to the land revenue;

(*c*) the names of the land-owners, landlords, intermediaries, if any, and other persons interested in the lands, and the amount of compensation payable to each of them; and

(*d*) such other particulars as may be prescribed.

49. Sub-tenants of * tenants to be registered as occupants.—Where a * tenant has lawfully sub-let the land held by him, such sub-tenant of the land, shall, to the exclusion of the * tenant, to the extent and subject to the conditions specified in sections 45 and 46, be entitled to be registered as occupant or to the ryotwari patta, as the case may be, of the land of which he was a sub-tenant before the date of vesting.

* * * * *

50. Determination of encumbrances and payment of compensation.—(1) In an inquiry under section 48, the Tribunal shall determine any mortgage or other encumbrance lawfully subsisting on the land on the date of vesting, and the amount due under the mortgage or the encumbrance in respect of such land shall be a charge on the compensation payable in respect of such land to the person who has created the mortgage or encumbrance.

(2) (*a*) If the total amount payable in respect of encumbrances is less than the amount of compensation payable in respect of such land * * it shall be deducted from such amount and the balance paid to the land-owner, landlord, the intermediaries, if any, and other persons interested, towards compensation.

* * * * *

* * * * *

(*b*) If the total amount payable in respect of the encumbrances is more than the amount of compensation payable in respect of the land, the amount of compensation * * shall be distributed among the holders of encumbrances in the order of priority. * * If any person has a right to receive maintenance or alimony from the profits of the land, deductions shall also be made for such payment out of the amount of compensation.

(3) If any question of law is involved regarding the validity of the encumbrance, the claim of the holder of the encumbrance or regarding the amount due in respect of the encumbrance, or if there is no agreement regarding any encumbrance between the landlord and the holder of the encumbrance, then notwithstanding anything contained in section 132, the Tribunal shall refer the question for decision to the principal civil court of original jurisdiction within the territorial limits of which the land is situate. On receipt of such reference the civil court shall after giving notice to the parties concerned, try the question referred to and record findings thereon and send the same to the Tribunal. The Tribunal shall then give the decision in accordance with the said findings.

(4) Notwithstanding anything contained in any law, any advance paid by the tenant to the landlord for the lease or purchase of the land held by him on lease from the landlord * * * * * * * * * * * shall be deemed to be a charge on the land, and the debt shall be discharged in the same manner as an encumbrance on such land under this section.

* * * * * *

51. Mode of payment of compensation.—The compensation payable to any person under section 47 shall, subject to the provisions of section 50,—

(*a*) be paid in cash in a lumpsum if the amount payable does not exceed ten thousand rupees: and

(*b*) if the amount payable exceeds ten thousand rupees the amount up to ten thousand rupees shall be paid in cash and the balance shall be paid in negotiable bonds carrying interest at the rate of four and a half per cent per annum and of guaranteed face value maturing within a specified period not exceeding twenty years:

Provided that the amount payable under the bonds issued under this clause may be paid in such number of instalments not exceeding twenty as may be prescribed.

52. Payment of compensation to be full discharge.—The payment of compensation or the value of encumbrance, maintenance or alimony to the land-owner, landlord, or intermediary or other persons entitled thereto in the manner prescribed by or under this Act shall be a full discharge of the liability for payment of compensation and no further claims for payment of compensation shall lie against the State Government or any other person.

53. Payment of premium by tenant.—(1) The amount of premium in respect of the land of which a tenant or sub-tenant is entitled to be registered as occupant or to a ryotwari patta under section 45 shall be payable to the State Government by the tenant or sub-tenant either in one lumpsum or in equated instalments over a period not exceeding twenty years with interest at four and a half per cent per annum, as the tenant may intimate to the Tribunal.

(2) In addition to the premium payable, the tenant shall also be liable to pay the land revenue due on that land.

54. Premium recoverable as arrears of land revenue.—(1) If a tenant or sub-tenant * * fails to make payment of any instalment in accordance with the provisions of the foregoing sections and such failure to pay does not render the right to be registered as occupant or to a ryotwari patta, ineffective under section 55, the amount of such instalment shall also be recoverable as an arrear of land revenue.

(2) The amount recovered under sub-section (1) shall be deposited with the Tribunal.

55. Issue of certificate, right of tenant to be ineffective on default.—(1) On the payment of the premium in lumpsum or of the last instalment of such premium, the Tribunal shall issue a certificate that the tenant has been registered as an occupant or has become a holder of a ryotwari patta. Such certificate shall become conclusive evidence of such registration or grant of ryotwari patta, as the case may be.

(2) If the tenant fails to pay the premium within the period fixed under section 53 or is at any time in arrears, the amount in arrears being more than an amount equal to three instalments, the right to be registered as occupant or to a ryotwari patta of the land by him shall be ineffective, and the land shall be at the disposal of the State Government and the excess amount paid by such tenant towards the premium in respect of the land over the rent payable in respect of the land shall be refunded to him.

(3) Where a tenant is in arrears, the amount in arrears being more than an amount equal to three instalments, he may within a period of three months from the date of the default of the last instalment apply to the Tribunal to condone the default on the ground that he, for sufficient reasons, was incapable of paying the instalments and if the Tribunal, after holding such inquiry as it may think fit, is so satisfied, the Tribunal may condone the default. If

the tenant thereafter commits default in payment of any instalment of the premium, the right to be registered as occupant or to a ryotwari patta, as the case may be, by the tenant shall be ineffective.

56. **Rent recoverable when the right of tenant becomes ineffective.**—Where the right to be registered as occupant or to a ryotwari patta, as the case may be, of any land becomes ineffective, rent of the land for the period till the land is disposed of under section 59 shall be recovered from the tenant * * * . The amount of rent so recoverable shall be deducted from the amount if any to be refunded to the tenant.

57. **Provisions applicable to minors, * persons under disability, etc.**—(1) Notwithstanding anything contained in the preceding sections of this Chapter, where the tenant is a minor * * or a person subject to any mental or physical disability or a serving member of the Armed Forces, then * * the date of vesting of the non-resumable land shall be notified under section 41, but the right of the tenant under section 45 may be exercised—

(i) by the minor within one year from the date on which he attains majority;

* * * * *

(ii) by a person subject to physical or mental disability within one year from the date on which such disability ceases to exist;

(iii) within one year from the date on which the serving member of the Armed Forces ceases to be such serving member.

(2) The provisions of the preceding sections of this Chapter shall thereupon, *mutatis mutandis*, be applicable to such land vesting in the State Government.

58. **Vesting in State Government of land in respect of which tenancy is created after notification under section 44.**—(1) In respect of any tenancy created after the first issue of a notification under section 44, the Tribunal shall on an application by the tenant within five years from the date of creation of such tenancy, determine the non-resumable * * land leased to such tenant.

(2) After the determination by the Tribunal under sub-section (1), of the non-resumable * * * land, the State Government shall issue a notification under section 44 in respect of such land.

Expln. creating tenancy as in Cl. 14(2) second proviso.

(2) The provisions of sections 45 to 58 of this Chapter shall thereupon, *mutatis mutandis* be applicable to such land vesting in the State Government.

59. Disposal of land not taken over by tenant.—Where the right to be registered as an occupant or to a ryotwari patta of any land by a tenant becomes ineffective, then, subject to the provision of sub-section (3) of section 48, the Tribunal may *suo motu* or on an application made in this behalf and after holding an inquiry direct that the land shall be disposed of in the manner provided in section 77.

60. Failure to cultivate personally.—Notwithstanding anything contained in any law, if at any time after the tenant has been registered as occupant or granted a ryotwari patta, under any of the foregoing provisions, such tenant fails to cultivate the land personally, he shall, unless the Tribunal condones such failure for sufficient reasons, be evicted and the land shall be disposed of in accordance with the provisions of section 77.

61. Restriction on transfer of land of which tenant has become occupant.—(1) Notwithstanding anything contained in any law, no land of which the occupancy or ryotwari patta has been granted to any person under this Chapter or under section 77 shall, within six years from the date or such grant be transferred by sale, gift, exchange mortgage, lease or assignment; but the land may be partitioned among members of the holder's joint family, subject to the condition that no fragment shall be created by any such partition.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the registered occupant or holder of ryotwari patta or his successor-in-title to mortgage or create a charge on his interest in the land in favour of the State Government for consideration of a loan advanced to him by the State Government under any law in force in the State, or in favour of co-operative society or the Coffee Board in consideration of a loan advanced to him by such co-operative society or the Coffee Board, as the case may be.

(3) Any transfer or partition of land in contravention of sub-section (1) shall be invalid.

62. Surrender of land to State Government.—If the person who has been registered as occupant or granted a ryotwari patta under this Chapter or his successor-in-title intends, within six years from the date on which such registration or grant, giving up personal

cultivation of the land, he shall surrender the land to the State Government, and on such surrender the State Government shall pay an amount equal to the premium paid and the depreciated value of improvements, if any, effected after the date of registration of grant, to the person surrendering and the other persons interested in the land. The surrendered land shall then be at the disposal of the State Government and the Tribunal may thereafter dispose of it as surplus land vesting in the State Government.

CHAPTER IV.

CEILING ON LAND HOLDINGS.

63. Ceiling on land.—(1) No person either by himself or, if he has a family, or is a member of a joint family together with any other member of his family or of the joint family, as the case may be, shall, whether as a landowner, landlord or a tenant or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of the ceiling area:

Provided that where the number of members of the family of such person or of the joint family of which such person is a member exceeds five, he or the joint family, as the case may be, may hold six additional standard acres for each member in excess of five, so however as not to exceed twice the ceiling area in the aggregate:

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be one ceiling area:

Provided further that in determining the ceiling limit under this sub-section, forest land and land exclusively used on the appointed day, for grazing of the cattle of the holder of the land or on which trees have been raised for better cultivation of the land shall not be taken into consideration to the extent of thirty acres:

Provided also that when any land referred to in the preceding proviso ceases to be used for the said purpose or is used for any other purpose or the grass or other produce grown thereon is sold, such land shall be taken into consideration for determining the ceiling limit.

(2) In the case of any person holding land on the appointed day the provisions of sub-section (1) shall not apply to—

(*a*) ~~land cultivated by plantation crops~~;

Explanation.—In this clause, land cultivated by plantation crops include land used in the plantation, for factories, labour quarters, curing yards, playgrounds and such other purposes as may be prescribed.

(*b*) land used for orchard where it constitutes a reasonably compact area;

Explanation.—"orchard" means an enclosure or assemblage of fruit bearing trees constituting the main crop therein.

(*c*) land used for specialised farms set apart for livestock breeding, dairying, wool raising and such allied operations, as may be notified by the State Government, and which satisfy such conditions as may be prescribed;

(*d*) land used as sugarcane farms operated by sugar factories;

(*e*) land utilised by an efficiently managed farm which consist of a reasonably compact area on which heavy investment or permanent structural improvements have been made and whose break up in the opinion of the Tribunal is likely to lead to a fall in production.

Explanation.—In this clause, 'heavy investment', and 'permanent structural improvements' shall mean such investments, or improvements as may be prescribed, and 'efficiently managed farm' means a farm which satisfies such conditions as may be prescribed.

64. Future acquisition of land.—Where on account of transfer, gift, purchase, exchange, mortgage with possession, lease, surrender or any other kind of transfer *inter vivos* or by bequest or inheritance, partition or otherwise, any land is acquired or comes into the possession of any person after the appointed day, and in consequence thereof, the total extent of land held by such person either by himself or if he has a family or is a member of a joint family together with any other member of his family, or of the joint family, as the case may be exceeds the ceiling limit permissible under sub-section (1) of section 63, the excess land shall be deemed to be surplus land, and the provisions of sections 66 to 76 shall, as far as may be, apply to the surrender to, and vesting in, the State Government, of such excess land:

Provided that nothing in this section shall apply to acquisition or coming into possession intact of any plantation to which clause (*a*) of sub-section (2) of section 63 applies, or to acquisition of land for growing sugarcane by a co-operative sugar factory:

Provided further that—

(*a*) in respect of land on which plantation crops are grown, the ceiling limit permissible under this section shall be—

(i) in the case of coffee, rubber and tea	...	one hundred acres;
(ii) in the case of cardamom	...	fifty acres;
(iii) in the case of pepper	...	twentyfive acres.

(*b*) in respect of land required for growing sugarcane by a factory manufacturing sugar, the ceiling limit permissible under this section shall be one-sixth of the minimum area of the land which in the opinion of the State Government is required to feed the said factory.

65. Surplus land to be surrendered to State Government—The land which is in excess of the ceiling laid down in section 63 or 64 (hereinafter referred to as "surplus land") shall be surrendered to the State Government.

66. Filing of declaration of holding (1).—(*a*) In respect of such area and on such date as the State Government may by notification specify, every person holding land in such area in excess of the ceiling limit specified in section 63 or 64 on such date, shall within ninety days, thereafter, and

(*b*) every person holding land in such area in excess of the ceiling limit referred to in section 64, on any date after the date notified in respect of such area under clause (*a*) shall, within ninety days after he comes to hold such excess land,

furnish a declaration of all land held by him as on the date notified under clause (*a*) or on the date after the notified date referred to in clause (*b*), as the case may be, to the Tribunal within whose jurisdiction his holding or any part thereof is situated. Such declaration shall also indicate the parcels of land, not exceeding the ceiling limit which the said person desires to retain.

(2) Without prejudice to the provisions of sub-section (1), the Tribunal shall have power to issue notice requiring any person who it has reason to believe, holds land, or resides within its jurisdiction, to furnish to it a declaration of all lands held by him within such period as may be specified in the notice (not being less than thirty days from the date of service of the notice); and it shall be the duty of such person to furnish the declaration

(3) Every declaration furnished under sub-section (1) or sub-section (2), shall be in the prescribed form; and the person furnishing the declaration shall be entitled to obtain a receipt therefor.

Explanation.—In the case of a person who is subject to any disability * * * * the declaration shall be furnished by the guardian, manager or other person in charge of such person or his properties.

67. **Surrender of land in certain cases.**—(1) On receipt of a declaration under section 66, the Tribunal shall after such inquiry as it deems fit, determine the extent of the holding and the area by which such extent exceeds the ceiling limit under section 63 or 64. If the total extent of the holding as determined by the Tribunal is equal to, or less than, the said ceiling limit, the person concerned shall be entitled to retain his entire holding; but if it is more than the said ceiling limit such person shall be liable to surrender such extent of land as will, after surrender, bring the total area of the land retained by him, to the extent of the said ceiling limit.

(2) The Tribunal shall serve on every person who is liable to surrender land under sub-section (1), a notice specifying therein the extent of land which he should surrender, and requiring him to file a statement in such manner and within such period as may be prescribed specifying therein the land which he proposes to surrender.

(3) If the person concerned files such statement within the prescribed period, the Tribunal * * * * * * * * * * * * * may pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(4) If the person concerned does not file such statement within the prescribed period, the Tribunal * * * may itself select the land which shall be surrendered by the person concerned, and pass an order to that effect; and thereupon the said land shall be deemed to have been surrendered by such person.

(5) An order under sub-section (3) or (4) relating to surrender of land shall be passed in respect of land which, as far as practicable, forms a survey member, or a recognised part of survey number or a sub-division of a survey number.

68. **Vesting of land surrendered by owner.**—Where the land surrendered under section 67 is by an owner (other than a limited

owner), the State Government may take over such land on ~~payment of compensation~~ under section 72 and such land shall thereupon vest in the State Government free from all encumbrances.

69. Vesting of land surrendered by limited owner.—(1) Where the land surrendered under section 67 is by a limited owner, it shall vest in the presumptive reversioner.

(2) Where as a result of the vesting of any land under sub-section (1), the total land held by the reversioner exceeds the ceiling limit specified in section 63 or 64, such reversioner shall, within a period of ninety days of such vesting furnish a declaration of his holding in the prescribed form to the Tribunal within the jurisdiction of which his holding or any part thereof is situated, and all the relevant provisions of this Act shall thereupon apply as if it were a declaration filed by him under section 66.

(3) The reversioner in whom any land vests under sub-section (1) shall be liable to pay the limited owner an annual sum equivalent to four and a half per cent of an amount payable to the owner under clause (*b*) of section 72 in respect of the land vesting in him under sub-section (1) until such time as the limited owner would have continued in possession of the land but for the surrender of the land by him.

70. Reversion and vesting of land surrendered by usufructuary mortgagee.—(1) Where the land surrendered under section 67 is by an usufructuary mortgagee, the possession of the land shall (without prejudice to the rights of the tenant, if any, in occupation of the land) revert to the mortgagor in every case where, and to the extent to which the mortgagor himself is not liable to surrender the said land in accordance with the provisions of section 67.

(2) The mortgagor to whom possession of the land reverts under sub-section (1) shall be liable to pay the mortgage money due to the usufructuary mortgagee in respect of that land and the said land shall be the security for such payment.

(3) In cases where possession of the land surrendered by an usufructuary mortgagee does not revert to the mortgagor under sub-section (1), the State Government may take over such land on ~~payment of compensation~~ under section 72 and such land thereupon shall vest in the State Government free from all encumbrances.

71. Vesting of land surrendered by tenant.—(1) Where the land surrendered under section 67 is by a tenant, the possession of the land shall revert to the owner in every case where, and to the extent to which the owner himself is not liable to surrender such land in accordance with the provisions of section 67.

(2) The owner to whom possession of the land reverts under sub-section (1) shall be liable to pay the tenant compensation equal to one year's net income of such land.

(3) In cases where possession of the land surrendered by a tenant does not revert to the owner under sub-section (1), the State Government may take over the land on ~~payment of compensation~~ under section 72 and the land shall thereupon vest in the State Government free from all encumbrances.

72. Compensation for lands surrendered to and vested in State Government.—The compensation payable in respect of any land taken over by the State Government under sections 68, 70 and 71, shall be ten times the average net annual income of the land in question which will be payable as follows:—

(*a*) to the tenant, if any, in possession of the land, an amount equal to the average net annual income of the land;

(*b*) to the owner, the balance.

Explanation.—The average net annual income of the land surrendered shall be determined by the Tribunal as follows:—

The Tribunal shall estimate the gross income of the land with reference to the average annual gross yield of the land during a period of three years immediately before the date of receipt of the declaration under section 66 at the average of the prices prevailing during the period of ten years before such date; and fifty per cent of the gross income so arrived at shall be deemed to be the net income of such land in the case of lands possessing facilities for assured irrigation from tanks or river channels and thirty-three and one-third per cent of the gross income in the case of other lands:

The value of any structure of a permanent nature and of trees on the land shall be paid to the person who is entitled thereto.

* * * * *

73. Claims for compensation and payment of compensation.—(1) The Tribunal shall determine the compensation payable in respect of the land vested in the State Government and publish a notification

containing particulars of ~~the~~ such land ~~so~~ vested and the compensation payable therefor.

* * * * *

(2) The provisions of sections 48 and 50 shall *mutatis mutandis* be applicable for determining the persons entitled to compensation and the apportionment of compensation.

(3) The compensation payable under sub-section (1) shall be paid in the manner specified in section 51.

74. Prohibition of alienation of holding.—On and from the date notified under sub-section (1) of section 66, no person owning land in excess of the ceiling limit specified in section 63 or 64 shall alienate his holding or any part thereof by way of sale, gift, exchange or otherwise until he has furnished a declaration under section 66 and the extent of land, if any, to be surrendered in respect of that holding has been determined by the Tribunal and an order has been passed by it under section 67, and any alienation made in contravention of this section shall be null and void.

* * * * *

75. Excess land not to be surrendered in certain cases.—Where a person either by himself or, if he has a family, or is a member of a joint family, together with any other member of the family, or joint family, holds land not exceeding the ceiling limit referred to section 63 or 64, but subsequently the land held exceeds the ceiling limit, due to any change in the classification of the land consequent upon any improvements effected in the land by such person or of the family or due to a decrease in the number of members of the family, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land.

76. Taking possession of land vested in State Government.—Where under the provisions of this Chapter any land vests in the State Government, the Tribunal may, after removing any obstruction that may be offered, forthwith take possession of the land.

77. Disposal of surplus land.—The surplus land vesting in the State Government under this Chapter, the land directed to be disposed of under section 59, and any other land acquired under section 131,

sub-section (4) of section 45 and

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may be granted by the Tribunal, to the following persons, to the extent and in the order of preference as indicated below :—

(i)	Co-operative Farms whose members belong to the classes referred to in clause (ii) or (iii) or both clauses (ii) and (iii).	Not more than the aggregate of such number of family holdings as there are members of the Co-operative Farm.
(i)	Displaced tenants having no land ...	Not less than one basic holding each.
(ii)	Landless agriculturists and agricultural labourers.	Not less than one basic holding each.
(iii)	Tenants and displaced tenants with less than basic holding and owner-cultivators with less than a basic holding;	Not less than the extent required to make up a basic holding.
(v)	Tenants and displaced tenants with less than a family holding, and owner-cultivators with less than a family holding ; and	Not more than the extent required to make up a family holding.
(vi)	Other persons desiring to take up personal cultivation.	Not more than one family holding.

Provided that in granting the surplus land under this section, the Tribunal shall give preference to the tenant, who prior to the vesting of the land in the State Government cultivated the land and who under the provisions of this Act is not precluded from holding the land that may be allotted to him under this section; and such grantees shall hold such land as registered occupants or as holders of ryotwari pattas."

* * * * * * *

78. Purchase price of surplus land.—(1) On the grant of land by the Tribunal under section 77, the grantee shall have the option to deposit with the Tribunal the purchase price of the land so granted either in a lumpsum or in such annual instalments not exceeding twenty as the Tribunal may determine.

(2) The purchase price shall be the aggregate of—

(i) such amount as the Tribunal may determine as being equal to ten times the average net annual income in respect of the land; and

(ii) the value of any structures, wells, embankments constructed and other fixtures made and trees planted on the land.

(3) Where the purchase price is payable in instalments, the amount outstanding after payment of each instalment shall bear interest at the rate of four and a half per cent per annum.

(4) All amounts due from the grantees shall be a first charge on the land granted and shall be recoverable as land revenue due on that land.

79. Management of surplus lands.—The Tribunal shall, subject to such rules as may be prescribed in this behalf, manage the surplus lands referred to in section 77, until they are disposed of under the said section, by making arrangements for the cultivation and protection by lease or otherwise.

CHAPTER V.

RESTRICTIONS ON TRANSFER OF AGRICULTURAL LANDS.

80. Transfers to non-agriculturists barred.—(*a*) No sale (including sales in execution of a decree of a civil court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift or exchange or lease of any land or interest therein, or

(*b*) no mortgage of any land or interest therein, in which the possession of the mortgaged property is delivered to the mortgagee, shall be valid in favour of a person—

(i) who is not an agriculturist, or

(ii) who being an agriculturist holds as owner or tenant or partly as owner and partly as tenant land which exceeds the limits specified in section 63 or 64; or

(iii) who is not an agricultural labourer:

Provided that the Assistant Commissioner having jurisdiction over the area or any officer not below the rank of an Assistant Commissioner authorised by the State Government in this behalf in respect of any area may grant permission for such sale, gift, or exchange, to enable persons who *bona fide* intend taking up agriculture to acquire land on such conditions as may be prescribed in addition to the following conditions, namely :—

(i) that the transferee takes up agriculture within one year from the date of acquisition of land, and

(ii) that if the transferee gives up agriculture within five years, the land shall vest in the State Government subject to payment to him of an amount equal to ten times the net annual income of the land or where the land has been purchased, the price paid for the land, if such price is less than ~~ten~~ eight times the net annual income of the land.

* * * * *

81. Transfer to Government, co-operative society or Coffee Board.—Nothing in section 80 shall apply to—

(*a*) a mortgage of any land or interest therein effected in favour of Government, a co-operative society or the Coffee

Board as security for loan advanced by the Government, such society, or the Coffee Board, or

(*b*) sales effected in favour of the Government a co-operative society or the Coffee Board.

82. Reporting of illegal transactions.—Every village officer and every officer of the Revenue, Registration and Land Records Departments shall report to the Tribunal or other prescribed authority, as the case may be, every transaction in respect of any land in contravention of any of the provisions of this Act, which comes to the notice of such officer.

83. Inquiry regarding illegal transactions.—The prescribed authority shall, after a summary inquiry, determine whether the transaction reported to it under section 82 or coming to its notice in any other manner is in contravention of the provisions of this Act, and make a declaration accordingly. Any transaction so declared to be in contravention of any of the provisions of this Act, shall be null and void.

* * * * *

CHAPTER VI

PROVISIONS FOR CULTIVATION OF UNCULTIVATED LANDS.

84. Uncultivated land may be required to be cultivated.—Where the Assistant Commissioner having jurisdiction over any area in which any land is situated is satisfied that any land within such area has remained uncultivated for a period of not less than two consecutive years without sufficient cause, he may by notice served upon the landowner and any other person entitled to be or in possession of the land require such persons to cultivate the land within one year from the date of service of such notice.

85. Power of Assistant Commissioner to lease out uncultivated land.—If the land is not cultivated within one year from the date of service of the notice under section 84, the Assistant Commissioner may, after making such inquiry as may be prescribed, lease out the whole or part of such uncultivated land to any suitable lessee for a period not exceeding five years on the condition that the lessee shall pay such reasonable rent as the Assistant Commissioner may fix or on such other terms as can be secured.

86. Cancellation of the lease.—Where the person to whom a lease has been granted under section 85, does any act referred to in sub-section (1) of section 22, the Assistant Commissioner may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is

cancelled under this section shall forfeit all rights under his lease and shall also be liable to pay such sum by way of damages as may be determined by the Assistant Commissioner in each case. The sum so determined as damages shall be recoverable as arrears of land revenue.

87. **Execution of lease, liability of landowners, etc.**—(1) Every lease granted under this Chapter shall be executed by the Assistant Commissioner on behalf of the landowner or other person entitled to be in possession of the land, and the lessee shall be liable to pay the rent specified in the lease to the person on whose behalf the lease was executed at the time and in the manner provided for in the lease.

(2) The landowner or other person on whose behalf the land is leased out by the Assistant Commissioner shall, in respect of the services rendered by the State Government under this Chapter, be liable to pay to the State Government a sum equal to four times the land revenue payable on the land, and the said sum shall be recoverable as an arrear of land revenue.

(3) Subject to the provisions of sections 8 and 86, every lease executed by the Assistant Commissioner under this Chapter shall be valid and take effect according to its terms.

88. **Delivery of possession after the period of lease.**—After the expiry of the period of the lease granted under this Chapter, the Assistant Commissioner shall take over possession of the land and deliver possession thereof to the person entitled to such possession.

CHAPTER VII.

Co-operative Farms.

89. **Formation of a Co-operative Farm.**—Any ten or more persons of a village or two or more contiguous villages holding between them, either as land owners or tenants, rights in and possession over fifty acres or more in such village or contiguous villages and desiring to start a Co-operative Farm comprising the land so held and possessed by them may apply in writing in the prescribed form to the Registrar of Co-operative Societies in Mysore (hereinafter referred to as the Registrar) for the registration thereof.

Explanation.—More than one Co-operative Farm may be registered in any village under this Chapter.

90. **Application for registration.**—An application for the registration of a Co-operative Farm shall be accompanied by extracts from the Record of Rights or other records showing the total area with the survey numbers of all the fields held by each of the applicants in the village or contiguous villages and shall contain such other particulars as may be prescribed.

91. Registration of Co-operative Farm.—(1) After making such enquiry as may be prescribed, the Registrar shall, unless he is satisfied that it is not in the best interests of all concerned to do so, register the Co-operative Farm under the Mysore Co-operative Societies Act, 1959, and grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Deputy Commissioner for such action as may be prescribed.

92. Members' land transferred to the farm.—(1) When a Co-operative Farm has been registered as provided in section 91, the possession of all lands in the village or contiguous villages held by a member, in respect of which the Co-operative Farm is registered shall, for so long as the registration of the Co-operative Farm is not cancelled, stand transferred to the Co-operative Farm, which shall thereupon hold such land and may use it for agricultural purposes.

(2) If any person is admitted as a member of a Co-operative Farm after its registration, the possession of the lands held by and in the possession of such member in respect of which he becomes a member, shall stand transferred to the Co-operative Farm.

(3) No member of a Co-operative Farm shall withdraw his membership unless he satisfies such conditions as may be prescribed.

(4) On the withdrawal of membership of a Co-operative Farm by any person, the possession of the Lands in respect of which he had become a member, shall subject to such restrictions and conditions as may be prescribed, be transferred by the Co-operative Farm to such person.

93. Consequences of registration.—When a certificate of registration in respect of any Co-operative Farm has been granted as provided in section 91, the provisions of the Mysore Co-operative Societies Act, 1959, and the rules made thereunder shall, so far as they are not inconsistent with the provisions of this Act or of the rules made thereunder, be applicable thereto.

94. Bye-laws of the Farm.—Every application under section 90 shall be accompanied by a copy of the proposed bye-laws of the Co-operative Farm and such bye-laws shall be deemed to be the bye-laws required to be filed under the provisions of the Mysore Co-operative Societies Act, 1959.

95. Amendment of the bye-laws by the Registrar.—The Registrar may, at any time on an application made by a majority of the members of a Co-operative Farm, or on his own motion after giving notice to the Farm in such manner as may be prescribed, and after giving an opportunity to the Farm to be heard amend the bye-laws.

96. Land contributed to the Farm to continue to vest in the land-owner thereof.—Nothing in this Chapter shall be deemed to cause the right of ownership of a land-owner in the land contributed by or on his behalf to a Co-operative Farm to cease to vest in him.

97. Rights, privileges, etc., of members.—Every member of a Co-operative Farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities, and be bound to discharge such duties as may be prescribed.

98. Contribution by a member.—Subject to such exceptions as may be prescribed, every member shall be bound to contribute to the Co-operative Farm to the extent and in the manner prescribed—

(i) funds,

(ii) personal labour,

(iii) agricultural implements, agricultural stock, and such other articles as may be prescribed.

99. Liability of the Farm to land revenue and other dues.—A Co-operative Farm shall, as from the date on which it is constituted, or the date on which a new member is admitted, be liable for the payment of all the land revenue, cesses, water rate, betterment contribution and local rates, payable by the land-owner in respect of the land, the possession of which is transferred to it under section 92.

100. Admission of new members.—Any person, who is a resident of the village or contiguous villages in which a Co-operative Farm is situate may be admitted as a member thereof upon such terms and conditions as may be prescribed.

101. Heirs deemed to be members of the Farm.—When a member whose land is held by a Co-operative Farm dies, his heirs shall be deemed to have become members of the Co-operative Farm.

* * * * *

102. Concessions and facilities for the Co-operative Farm.—(1) A Co-operative Farm shall be entitled to such concessions and facilities as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, the prescribed concessions and facilities may include—

(*a*) reduction of land revenue;

(*b*) reduction of or exemption from agricultural income tax;

(*c*) free technical advice from experts employed by the Government;

(*d*) financial aid and grant of subsidies and loans with or without interest; and

(*e*) priority in irrigation from State irrigation works.

(3) For purposes of this section, Co-operative Farm shall be deemed to include a co-operative society registered before the appointed day under the law relating to registration of co-operative societies, as a co-operative farming society.

CHAPTER VIII.

EXEMPTIONS.

103. Leases obtained by industrial or commercial undertakings, Co-operative Societies, etc.—(1) Subject to the provisions of section 110, the provisions of sections 10, 14 to 22, 35 to 42, 44 to 61, 63, 64, 80 and 84 to 88 shall not apply to—

(*a*) leases of land granted to or for the benefit of any industrial or commercial undertaking (other than a Co-operative Society) which in the opinion of the State Government *bona fide* carries on any industrial or commercial operation and which is approved by the State Government;

(*b*) leases of land granted to any bodies or persons other than those mentioned in clause (*a*) * * * * * * * * * for the breeding of live-stock; or

(*c*) lands held or leased by such co-operative societies as are approved by the State Government which have for their objects the improvement of the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture and allied pursuits:

Provided that where before the land comes into the ownership or possession of co-operative society, any tenant has acquired any rights or privileges in the land, nothing in clause (*c*) shall be deemed to limit or abridge the rights or privileges of such tenant.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the State Government to direct, by notification, that the leases to which the provisions of sub-section (1) apply, shall be subject to such conditions as may be specified in such notification, in respect of—

(*a*) the duration of the lease;

(*b*) the improvements to be made on the land and the formation of Co-operative Farms for that purpose and financial assistance to such societies;

(*c*) the payment of land revenue, irrigation cess, local cess and any other charges payable to the State Government or any local authority; or

(*d*) any other matter referred to in the sections specified in sub-section (1).

* * * *

104. Regimental Farms.—The provisions of sections 63 and 64 shall not apply to Regimental Farm lands.

105. Leases by or to local authorities.—Subject to the provisions of section 110, the provisions of sections 44 to 61 shall not apply to lands leased by or to local authorities.

106. Lands of religious institutions, etc.—Notwithstanding anything contained in section 51 and sub-section (3) of section 73, in respect of lands held by religious, charitable or educational institutions, or public trusts for religious, charitable or educational purposes, the State Government shall issue non-redeemable and non-negotiable bonds of face value equal to the amount of compensation payable under section 47 or 72. Such bonds shall carry interest at five per cent per annum.

Explanation:—Religious institution shall include all places of public worship or religious teaching such as temples, mosques, dargas churches, gurudwaras, mutts and similar institutions.

107. Act not to apply to Government lands.—Subject to the provisions of section 110, nothing in the provisions of this Act except section 8 shall apply to lands belonging to or held on lease from Government.

103. Lands taken under management of Court of Wards, etc.—Subject to the provisions of section 110, nothing in the provisions of this Act except section 8 shall apply to lands taken under the management of the Court of Wards or of a Government officer appointed in his official capacity, as a guardian under the Guardians and Wards Act, 1890, or to the lands taken under management temporarily by the civil, revenue or criminal courts by themselves or through the receivers appointed by them during the period of such management:

Provided that—

(a) in the case of a tenancy subsisting on the date of taking over the management, the tenant shall not be dispossessed ~~unless the court considers that such dispossession is necessary~~ except in accordance with the provisions of section 22;

(b) in the case of a tenancy created during the period of management, when the land is released from such management, the tenant shall be dispossessed and the possession of the land shall be delivered to the person lawfully entitled to such possession;

(c) with effect from the date on which such land is release from such management, all the provisions of this Act shall apply to such land and in the case of a tenancy (other than a permanent tenancy or a tenancy created during the period of management) subsisting on such date in respect of any part of such land, the land or shall be entitled to resume the land held by the tenant under section 14; and the provisions of sections 11 to 20 and 35 to 61 shall, so far as may be applicable, apply to such resumption of land and to the right of the tenant to be registered as occupant or to get a ryotwari patta of the land.

109. Certain areas to be exempt from certain provisions.—The State Government may, by notification reserve any area for urban, non-agricultural or industrial development and direct that land in such area shall be exempt from such of the provisions of this Act as may be specified in the notification.

110. Certain areas to be not exempt from certain provisions.—* * * * The State Government may, by notification, direct that any land referred to in sections 103, 105, 107 and 108, shall not be exempt from such of the provisions of this Act from which they have been exempted under the said sections.

(a) to decide whether a person is a small holder or not under item (51) of clause (A) of section 2;

CHAPTER IX.

PROCEDURE AND JURISDICTION OF TRIBUNAL AND APPEALS.

111. Constitution of Tribunal.—(1) The State Government may, by notification, constitute for the area specified therein a Land Tribunal consisting of a sole member who shall be a judicial officer of the rank of a Munsiff who shall perform all the functions of the Tribunal under this Act.

(2) For any area for which a Tribunal has not been constituted, the Munsiff having jurisdiction over such area or any other judicial officer authorised in this behalf by the State Government shall exercise all the powers and perform all the duties and functions of the Tribunal under this Act.

Explanation :—For the purpose of this section, a Munsiff means (i) in the Bombay Area, a Civil Judge (Junior Division); and (ii) in the Madras Area, a District Munsif.

112. Duties of Tribunal.—For the purposes of this Act, the following shall be the duties and functions to be performed by the Tribunal, namely :—

(a) - - by small holder

(*a*) to decide whether a person is a tenant or not under section 4 and make declaration accordingly;

(*b*) to direct restoration of possession to dispossessed tenants under section 7;

(*c*) to decide a dispute between the landlord and the tenant regarding the rent payable under sub-section (1) of section 9;

(*d*) to determine the compensation payable to a tenant under section 11;

(*e*) to make an order for refund and for inflicting penalty under sub-section (5) of section 13 or an order reducing or enhancing the rent under sub-section (6) of that section;

(*f*) to issue a certificate relating to reservation of land for resumption under sub-section (1) of section 14;

(*g*) to determine the non-resumable lands under sub-section (4) of section 14;

(*h*) to decide apportionment of rent payable by the sharers under clause (*e*) of sub-section (1) of section 21;

(*i*) not to order restoration of possession to the landlord on the tenant paying the arrears of rent together with the cost of proceedings under section 23;

(*j*) to be satisfied regarding the *bona fides* of the surrender under the first proviso to sub-section (1) of section 25;

(*k*) to determine compensation for trees payable under section 27;

(*l*) to pass orders regarding the right to the produce of trees or apportionment of such produce under sub-section (2) of section 28;

(*m*) to order recovery of costs incurred on bunds and costs of proceedings under sub-section (2) of section 30;

(*n*) to determine the price of site under sub-section (1) of section 36;

(*o*) to determine the reasonable price of the site and require the tenant to deposit the amount of price under sub-section (3) of section 36;

(*p*) to determine compensation for the value of the structure under sub-section (4) of section 36;

(*q*) to determine the reasonable price of site or land under sub-section (2) of section 37 or 39;

(*r*) to pass orders on application for possession under sub-section (3) of section 41;

(*s*) to order forfeiture of crops and payment of costs and penalty under sub-section (4) of section 41;

(*t*) to hold an inquiry and pass orders in cases relating to recovery of rent under section 42;

(*u*) to make an enquiry and determine the amount of compensation and also to prepare a statement of distribution of compensation under section 48;

(*v*) to determine the encumbrances and arrange payment of compensation under section 50;

(*w*) to issue a certificate, to refund amount and to condone default in payment of premium under section 55;

(*x*) to condone failure to cultivate personally under section 60;

(*y*) to determine the land to be surrendered under section 67

(*z*) to determine the compensation under section 72;

(*za*) to grant surplus land under section 77;

(*zb*) to determine the purchase price of land under section 78; and

(*zc*) to perform such other duties and functions as are imposed on the Tribunal by any other provision of this Act or under any rule made thereunder or as may be directed by the State Government.

113 Power of Tribunal.—(1) The Tribunal shall have the same power in making enquiries under this Act as are vested in courts under the Code of Civil Procedure, 1908 (Central Act V of 1908) in trying a suit in respect of the following matters, namely:—

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing the attendance of any person and examining him on oath, and.

(*c*) compelling the production of documents.

(2) The Tribunal shall have also such other powers as may be prescribed. The Tribunal shall have powers to award costs.

(3) The orders of the Tribunal shall be given effect to in the manner provided in section 116.

114. Commencement of proceedings.—Save as expressly provided by or under this Act, all enquiries and proceedings before the Tribunal or the Deputy Commissioner shall be commenced by an application which shall contain the following particulars:—

(*a*) the full name, age, profession, address and place of residence of the applicant and the opponent;

(*b*) a short description and situation of the property of which possession is sought, or the amount of the claim, as the case may be;

(*c*) the circumstances out of which the cause of action arose;

(*d*) a list of the applicant's documents, if any, and of his witnesses, and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the date of the hearing;

(*e*) such other particulars as may be prescribed.

115. Enquiries.— (1) The Tribunal shall exercise the powers, and shall as far as possible follow the procedure, of a Court of Small Causes as provided in the law for the time being in force relating to the powers and procedure of such court, in making enquires, recording of evidence and of decisions at such enquiries.

(2) For the purpose of any enquiry or proceedings under this Act, the Deputy Commissioner or other officer of the Revenue

Department may exercise all or any of the powers conferred on him under the Mysore Land Revenue Code, 1888, or other corresponding law in force in any area of the State. and shall follow such procedure as may be presoribed.

(3) In every enquiry in which the parties are heard before orders are passed, the orders shall be pronounced in open court after notice to the parties, and the decision of the Tribunal or the Deputy Commissioner or other officer intimated to the parties concerned by post.

116. Execution of order for payment of money or for restoring possession.—(1) Any sum the payment of which has been directed by an order of the Tribunal including an order awarding costs shall be recoverable from the persons ordered to pay as an arrear of land revenue.

(2) An order of the Tribunal awarding possession or restoring the possession or use of any land shall be executed in the same manner as an order passed by a Revenue Officer under the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State.

117. Appellate Authority.—The State Government shall by notification constitute an Appellate Authority for such district or group of districts as may be specified in the notification consisting of an officer who is a District Judge.

118. Appeals.—(1) Save as otherwise provided in this Act, from every decision or order * * * passed by the Tribunal, an appeal shall lie to the Appellate Authority; and the orders of the Appellate Authority on such appeal shall be final.

(2) From every order * * * passed by the Deputy Commissioner or the Assistant Commissioner, an appeal shall lie to the Mysore Revenue Appellate Tribunal and the order of the Revenue Appellate Tribunal on such appeal shall be final.

(3) Where in any appeal under sub-section (1) or (2) there arises any question on which the Appellate Authority, or the Mysore Revenue Appellate Tribunal, whether upon its own motion *
* * *
* * or upon the application of the party interested, desires to have the decision of the High Court, the Appellate Authority or the Revenue Appellate Tribunal may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court.

(4) The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons thereof, under the seal of the Court to the Appellate Authority or the Revenue Appellate Tribunal, by which the reference was made and the case shall be disposed of in conformity with such decision.

(5) If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

(6) The costs, if any, consequent on any such reference shall be dealt with as the High Court in each case may direct.

119. Stay of execution of orders. - (1) The Tribunal or the Deputy Commissioner or the Assistant Commissioner may at any time before the expiry of the period prescribed for appeal and pending the filing of the appeal, direct the stay of execution of any order passed by such Tribunal or Officer, as the case may be, for such period as it or he deems fit.

(2) Any authority before whom a case is pending in appeal may direct the stay of execution of the order appealed from for such period as it thinks fit.

(3) The Tribunal, officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as it or he may think fit.

120. Transfer of proceedings.—The Appellate Authority may, after due notice to the parties, by order in writing transfer any proceeding under this Act pending before a Tribunal in its jurisdiction from such Tribunal to any other Tribunal in the same jurisdiction, and the Tribunal to which the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceeding.

121. Orders in appeal.—(1) The Appellate Authority or the Mysore Revenue Appellate Tribunal in appeal may confirm, modify or rescind the order in appeal or its execution or may pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders of the Appellate authority or the Mysore Revenue Appellate Tribunal in appeal shall be executed in the same manner provided for the execution of orders of the Tribunal under section 116.

122. Limitation.—Every appeal under this Act shall be filed within a period of sixty days from the date of the order of the

Tribunal or the Deputy Commissioner or the Asstant Commissioner when the party or the legal practitioner appearing on his behalf is present at the time the order is pronounced, and in other cases within a period of sixty days from the date on which the order is communicated to the party by post. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall be applicable to such appeal.

123. Court-fees.—Notwithstanding anything contained in the Mysore Court-fees and Suits Valuation Act, 1958, every application or appeal made under this Act to the Tribunal, Assistant Commissioner, Deputy Commissioner, the Appellate authority or the Mysore Revenue Appellate Tribunal or other authority shall bear a court-fee stamp of such value as may be prescribed.

124. Enquiries and proceedings.—All enquiries and proceedings before the Tribunal, the Deputy Commissioner, the Assistant Commissioner or the Appellate Authority or the Mysore Revenue Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

* * * * * *

CHAPTER X.

Offences and Penalties.

125. Offences and penalties.—(1) Whoever contravenes any provision of any of the sections, mentioned in the first column of the following table shall, on conviction, by a magistrate for each such offence be punished with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

TABLE.

Section	Fine which may be imposed
1	2
	Rs.
Section 12	1,000
Section 33	500
Section 41	1,000
Section 129	250

(2) If any person, who is under an obligation to furnish a declaration under Chapter IV, refuses or fails to furnish the declaration within the period specified therefor by or under this Act or furnishes any declaration which he knows, or has reason to believe, to be false, or incomplete, he shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees and with an additional fine which may extend to ten rupees for every day after the first conviction, during which the offence continues.

Explanation.—If a false, incorrect or incomplete declaration has been furnished, the offence shall be deemed to continue until a true, correct and complete declaration has been furnished.

(3) An offence for the contravention of the provisions of section 12, sub-section (2) of section 33 or section 41 shall be cognizable.

CHAPTER XI.

MISCELLANEOUS.

* * * *

126. Application of Act to inams.—For the removal of doubts it is hereby declared that the provisions of this Act in so far as they confer any rights and impose obligations on tenants and landlords shall be applicable to tenants holding lands in inam and other alienated villages or lands and to landlords and inamdars holding lands in such villages or lands.

127. Legal assistance to poor tenants.—Subject to such rules as may be made by the State Government, legal assistance may be provided by the State Government in proceedings under this Act to tenants whose pecuniary circumstances are such that legal assistance is in the opinion of the State Government required by such tenants.

128. Disposal of fragments.—If as a result of vesting of any land in the Government or the grant of any land by the Tribunal or otherwise under the provisions of this Act, any area in excess of the maximum extent of land which a person is entitled to hold under this Act remains as a fragment, the Tribunal may, having regard to the efficient use thereof for agricultural purposes, and notwithstanding the provisions of section 63 or 4, permit such fragment to be held by the owner of such fragment;

129 Persons in possession not to be dispossessed except under lawful orders.—(1) No landlord, tenant or other person lawfully in possession of land shall, save in accordance with any law for the time being in force, be dispossessed of such land by any person.

(2) If any person is dispossessed of any land in contravention of sub-section (1), such person may within two years from the date of such dispossession apply in writing to the Tribunal complaining of such contravention.

( ) On receipt of an application under sub-section (2), the Tribunal shall after holding an enquiry and without prejudice to any action under section 125, pass such order on the application as it deems fit including a direction to the person contravening sub-section (1) for the payment of such compensation to the person dispossessed as the Tribunal may determine.

130. Summary eviction.—Any person unauthorisedly occupying or wrongfully in possession of any land—

(*a*) the transfer or acquisition of which either by the act of parties or by the operation of law, is invalid under the provisions of this Act; or

* * * * * *

(*b*) to the use and occupation of which he is not entitled under the provisions of this Act and the said provisions do not provide for the manner of eviction of such person,

may be summarily evicted from such land by the Tribunal, after such inquiry as it deems fit and the Tribunal may make such orders as regards the disposal of such land as it deems fit.

131. Acquisition of land.—(1) Notwithstanding anything contained in this Act or any law for the time being in force or any usage or custom or the terms of any contract or grant to the contrary, the Tribunal may acquire subject to the payment of compensation any land in respect of which the prescribed authority has made a declaration under section 83, or in respect of which the Tribunal is, after such enquiries as it may consider necessary to hold, satisfied that a contravention of any of the provisions of this Act has been committed.

(2) The compensation payable under sub-section (1) shall be determined in accordance with the provisions of section 72.

(3) The Government shall pay such compensation in accordance with the provisions of * * section 51.

(4) The Tribunal shall dispose of the land so acquired in the manner provided in section 77 as if it were surplus land.

132. Bar of jurisdiction.—(1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Tribunal, the Deputy Commissioner, the Assistant Commissioner the Appellate Authority, the Mysore Revenue Appellate Tribunal or the State Government in exercise of their powers of control.

(2) No order of * * the Tribunal, the Deputy Commissioner, the Assistant Commissioner, the Appellate Authority, the Mysore Revenue Appellate Tribunal, * * or the State Government made under this Act shall be questioned in any civil or criminal court.

133. Suits involving issues required to be decided under this Act.—(1) If any suit instituted in any civil court involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the "competent authority"), the civil court shall stay the suit and refer such issues to such competent authority for determination.

(2) On receipt of such reference from the civil court, the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decision to the civil court and such court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

134. Control.—In all matters connected with the administration of this Act, the State Government shall have the same authority and control over the Tribunal and the Deputy Commissioner and other authorities acting under this Act as it has and exercises over revenue officers in the general and revenue administration.

135. Offences by companies.—Where an offence under this Act is committed by a company, the company, as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(*a*) "company" means a body corporate, and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm, means a partner in the firm.

136. Indemnity.—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

137. Rules.—(1) The State Government may, after previous publication, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters :—

(i) the other pursuits to be prescribed under clause (4) of of sub-section (1) of section 2;

(ii) the authority to determine the average yield for each of the principal crops for each class and grade of land in each local area, the manner of such determination, and the other factors to be prescribed under sub-section (3) of section 8, and the manner of publication to be prescribed under sub-section (4) of the said section;

(iii) the authority which has to notify the prices under sub-section (2) of section 9;

(iv) the other particulars to be prescribed under sub-section (1) of section 14;

(v) the manner of registering surrenders of tenancies in the office of the Tribunal under sub-section (1) of section 2[illegible];

(vi) the manner and the form in which a receipt is to be given by the landlord under sub-section (2) of section 33;

(vii) the form of certificate to be granted under sub-section (3) of section 36;

(viii) the period within which the price shall be deposited with the Tribunal under sub-section (2) and the form of certificate to be issued under sub-section (4) of section 39;

(ix) the form of application to the Tribunal under sub-section (1) of section 40;

(x) the form of application to the Tribunal under section 41;

(xi) the form of application to the Tribunal under section 42;

(xii) the form of public notice under sub-section (1) of section 48;

(xiii) the number of instalments in which the amount payable under the bonds may be paid under section 51;

(xiv) the other purposes to be prescribed under the explanation to clause (*a*), the conditions to be prescribed under clause (*c*), the investments and improvements and the conditions to be prescribed under the explanation to clause (*e*), of sub-section (2) of section 63;

(xv) the form of declaration under sub-section (3) of section 66;

(xvi) the period within which the statement is to be filed under sub-section (3) of section 67;

(xvii) the inquiry to be made under section 85;

(xviii) the form of application to the Registrar under section 89;

(xix) the other particulars to be prescribed under section 90;

(xx) the enquiry to be made under section 91;

(xxi) the conditions to be satisfied for withdrawal from membership under sub-section (3), and the restrictions and conditions to be prescribed under sub-section (4) of section 92;

(xxii) the manner of giving notice to a Co-operative Farm under section 95;

(xxiii) the rights and privileges to which a member of a Co-operative Farm is entitled, the obligations and liabilities to which he is subject and the dutieshe is bound to discharge under section 97;

(xxiv) the extent and manner of contributions by a member to a Co-operative Farm under section 98;

(xxv) the terms and conditions for admission of members to a Co-operative Farm under section 100;

(xxvi) the concessions and facilities to be given to a Co-operative Farm to be prescribed under section 102;

(xxvii) the court-fees to be prescribed under section 123;

(xxviii) the nature and extent of legal assistance to be given to tenants under section 127 and the conditions subject to which such assistance may be given;

(xxix) the returns to be furnished by the Tribunal and other authorities entrusted with powers or functions under this Act, the forms in which books, entries and accounts shall be kept by the Tribunal and such other authorities;

(xxx) the correction of errors and omissions in orders or decisions under this Act;

(xxxi) the fees payable for the grant of certificate, the inspection of records, the grant of copies or in respect of any function performed by any authority under this Act;

(xxxii) the method of serving notices and orders under this Act;

(xxxiii) any other matter expressly required or allowed by this Act to be prescribed;

(xxxiv) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act;

(xxxv) the fines which may extend to fifty rupees to be incurred for contravention of any rule made under this Act;

(xxxvi) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

138. Act to prevail over other enactments.—This Act and any rule, order or notification made or issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II and List III of the Seventh Schedule to the Constitution of India or in any instrument having effect by virtue of any such other enactment.

139. Removal of difficulties.—(1) If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the doubt or difficulty.

(2) The provisions made by any notification under sub-section (1) shall subject to the provisions of section 110 have effect as if enacted in this Act, and any such notification may be made so as to be retrospective to any date not earlier than the appointed day.

140 Rules and notification to be laid before the State Legislature. Every rule made under this Act and every notification issued under sections 109, 110 and 139 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

141. Tenure Abolition Acts.—Nothing in this Act shall affect the provisions of any of the Land Tenures Abolition Acts, specified in Schedule II to this Act, in so far as such provisions relate to the conferment of the right of an occupant or grant of a ryotwari patta in favour of any inferior holder or tenant in respect of any land held by him.

142. Repeal and savings.—(1) The enactments specified in Schedule III to this Act are hereby repealed:

Provided that save as otherwise provided in this Act, such repeal shall not affect—

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that any reference in any enactment or other law or in any instrument to any provision of any of the repealed enactments shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Act.

(2) Notwithstanding anything contained in sub-section (1), for the purpose of giving effect to the first proviso to the said sub-section the State Government may by notification, make such provision as appears to it to be necessary or expedient for making omissions from, additions to and adaptations and modifications to the rules, notifications and orders made or issuedunder the said repealed enactments.

SCHEDULE I

[*See* Section 2 (32)]

PART A

Classification of lands

First Class.—Wet land or garden land possessing facilities for assured irrigation where two crops of paddy can be raised in a year.

Second Class.—Wet land or garden land other than First Class land possessing facilities for assured irrigation, that is, land in channel area (*Nala Pradesha*) where one crop of paddy can be raised in a year.

Third Class.—Wet land or garden land, other than First or Second Class land, possessing facilities for irrigation from tanks.

Fourth Class.—Wet land or garden land, other than First, Second or Third Class land, irrigated—

(i) by rain water; or

(ii) by seepage water from tanks, canals or other sources of water; or

(iii) by water lifted from a river or channel by electrical or mechanical power.

Fifth Class.—Dry land or garden land, not falling under the First, Second, Third or Fourth Class, in areas in which the average annual rainfall is more than thiry-five inches, or

Dry-*cum*-wet land or dry *cum* garden land, that is, light irrigated dry land, or garden land.

Sixth Class.—Dry land or garden land, not falling under the First, Second, Third, Fourth or Fifth Class, in areas in which the average annual rainfall is not more than thirty-five inches and is not less than twenty-five inches.

Seventh Class.—Dry land or garden land, not falling under the First, Second, Third, Fourth or Fifth Class, in areas in which the average annual rainfall is less than twenty-five inches, or uncultivable dry land in areas in which the average annual rainfall is not less than seventy-five inches.

Explanation.—For purposes of this Part, the average annual rainfall of any area shall be the average of the annual rainfall during a period of twenty-five years prior to the appointed day.

PART B

Formula for determining equivalent extent of land of different classes.

One acre of first class of land=one and one-third acres of second class of land=one and two-thirds acres of third class of land=two acres of fourth class of land=four acres of fifth class of land=six acres of sixth class of land=eight acres of seventh class of land.

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